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## Regulations

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Regs., Serial 300]

#### AIRCRAFT DISPATCHER CERTIFICATES LIMITED TO DISPATCHING OF AIRCRAFT IN CARGO OPERATIONS

##### SPECIAL CIVIL AIR REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1944.

The following Special Civil Air Regulation is made and promulgated to become effective January 21, 1944.

An aircraft dispatcher certificate limited to the dispatching of aircraft in military contract cargo operations may be issued by the Administrator to an applicant who (a) is at least 21 years of age (b) has served in connection with the dispatching of aircraft in military contract cargo operations under a certificated aircraft dispatcher for a period of at least one year within the two years immediately preceding application and (c) has met all of the other requirements of Part 27 for the original issuance of such certificate. The holder of such a certificate may have the limitation removed if he presents proof to the Administrator that he has served satisfactorily in connection with the dispatching of air carrier aircraft in scheduled operation under the supervision of a certificated aircraft dispatcher for a period of at least 90 days within the preceding six months and he is at least 23 years of age.

This regulation shall be effective for the duration of the war and not more than six months thereafter.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 44-1354; Filed, January 26, 1944;  
11:01 a. m.]

### TITLE 26—INTERNAL REVENUE

#### Chapter I—Bureau of Internal Revenue

##### Subchapter A—Income and Excess Profits Taxes [T.D. 5328]

#### PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

##### FIGURE TO BE USED IN DETERMINING RESERVE AND OTHER POLICY LIABILITY CREDIT FOR LIFE INSURANCE COMPANIES

JANUARY 25, 1944.

By virtue of the authority vested in me by section 202 (b) of the Internal Revenue Code, 53 Stat. 71, as amended by section 163 of the Revenue Act of 1942, 56 Stat. 870; 26 U.S.C., 1940 ed., and Sup. II, 202 (b) it is hereby determined that the figure to be used in computing the "reserve and other policy liability credit" of life insurance companies for the taxable year 1943 shall be .9198.

[SEAL] JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-1364; Filed, January 26, 1944;  
11:54 a. m.]

##### Subchapter D—Employment Taxes

[T.D. 5329]

#### PART 404—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

##### COMPENSATION PAID BY FOREIGN GOVERNMENT

PARAGRAPH 1. Paragraph (f) of § 404.102 of Regulations 115 [Part 404, Title 26, Code of Federal Regulations, Cum. Sup.] is amended to read as follows:

(f) *Compensation paid by foreign government.* Remuneration paid for services performed as an employee of a foreign government, or the government of the Commonwealth of the Philippines, is excepted. The exception includes not only remuneration paid for services performed by ambassadors, ministers, and other diplomatic officers and employees but also remuneration paid for services performed as a consular or other officer or employee of a foreign government, or the government of the Commonwealth of

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the Philippines, or as a nondiplomatic representative of such a government. However, the exception does not include remuneration for services performed for a corporation created or organized in the United States or under the law of the United States or of any State or Territory even though such corporation is wholly owned by such a government.

The citizenship or residence of the employee and the place where the services are performed are immaterial for the purposes of the exception.

PAR. 2. This amendment is effective with respect to wages paid on or after

April 24, 1944, the ninetieth day after the approval of this Treasury decision.

(Sec. 2 of the Current Tax Payment Act of 1943 (Public Law 68, 78th Congress) and sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

[SEAL] ROBERT E. HANNEGAN,  
*Commissioner of Internal Revenue.*

Approved: January 25, 1944.

JOHN L. SULLIVAN,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 44-1365; Filed, January 26, 1944; 11:54 a. m.]

#### TITLE 32—NATIONAL DEFENSE

##### Chapter VIII—Foreign Economic Administration

##### Subchapter B—Export Control

##### [Amendment 145]

##### PART 802—GENERAL LICENSES

##### CANCELLATION OF GENERAL LICENSE FOR METAL DRUMS AND CONTAINERS

Section 802.14 *Metal drums and containers* is hereby amended in the following particulars:

Paragraph (b) is hereby amended to read as follows:

(b) A general license is hereby granted authorizing the exportation to Iceland of all metal drums, containers and cylinders when filled with commodities the exportation of which has been authorized by export license.

Paragraph (c) is hereby deleted and paragraph (d) is hereby designated as paragraph (c).

This amendment shall become effective February 3, 1944.

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: January 25, 1944.

S. H. LEBENSBURGER,  
*Director, Requirements and Supply Branch, Bureau of Supplies.*

[F. R. Doc. 44-1341; Filed, January 26, 1944; 9:29 a. m.]

## Chapter IX—War Production Board

## Subchapter B—Executive Vice-Chairman

**AUTHORITY:** Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1, as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

## PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, as Amended Oct. 19, 1943, Amdt. 1]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Section 1041.2 *Preference Rating Order P-98-b*, as amended October 19, 1943 is hereby amended in the following respects:

(1) Paragraph (a) is amended in the following respects:

(a) The following new sentence is inserted between the fourth sentence, which ends with the words "through this order", and the fifth sentence: "Furthermore, this order will not be used by Canadian operators."

(b) The words "including Canadian operators," are deleted from the fifth sentence.

(2) Paragraph (a) (2) is amended by the addition of the words "unless use of the small order symbol is authorized" at the end of the third sentence, which presently ends with the words "must be applied for", and by the insertion of the words "and symbol" in the fourth sentence between the word "number" and the word "may".

(3) Paragraph (a) (3) is amended by the deletion of the word "either" from the third sentence between the word "to" and the word "the"; by the deletion of the words "or the Office of Oil Controller" from the end of the third sentence and the substitution in their stead of the words "unless the operator receives special instructions to the contrary"; and by the deletion of the word "certain" from the fourth sentence between the word "of" and the word "applicable".

(4) Paragraph (b) (1) is amended by the deletion of the second sentence in its entirety.

(5) Paragraph (b) (4) is amended in the following respects:

(a) The word "does" in the paragraph immediately following paragraph (b) (4) (ii), which word is between the word

"repair" and the word "not", is deleted and the word "shall" is substituted in its stead.

(b) The words "drilling" and "multiple completion" are added to the series of words immediately following the letter "(a)", and the sequence of the words in that series is altered to read as follows:

(a) The drilling, redrilling, deepening, plugging back, or multiple completion of any well or the initial installation on any well of pumping or other artificial lifting equipment, or

(c) Letters "(b)" and "(c)" are relettered "(c)" and "(d)", respectively.

(d) A new series commencing with the letter "(b)" is inserted to read as follows:

(b) the extension or the initial construction or installation of a field gas gathering line, or

(6) Paragraph (b) (5) is amended by the addition of the words "including among other items, chemicals, additives and blending agents" at the end of the sentence, following the word "expense".

(7) The title of paragraph (c) is amended by the deletion of the word "repair", and paragraphs (c) (1) and (c) (2) are amended and new paragraph (c) (3) is added to read as follows:

(1) An MRO rating assigned by this order may be used to secure services to the extent consistent with Priorities Regulation 3.

(2) No operator may apply a preference rating to obtain any material listed on Schedule A of this order.

(3) No operator may apply a preference rating to obtain any material listed on Schedule B except in accordance with the procedure described in that schedule.

(8) Paragraphs (c) (3) through (c) (6), inclusive, are hereby renumbered (c) (4) through (c) (7), respectively.

(9) Paragraph (c) (4), as renumbered from (c) (3), is amended by the substitution of the words "covered by" for the words "listed on" between the word "materials" and the word "Schedule"; by the substitution of the letter "C" for the letter "B" following the word "Schedule"; and by the addition of the following sentence as the second sentence:

Schedule C includes all items on List B of Priorities Regulation 3 with the exception of those listed in Schedule B of this order.

(10) Paragraph (c) (7), as renumbered from (c) (6), is amended by the deletion of the second sentence and by the substitution of the following sentence as the second sentence: "Priorities assistance may, on the other hand, be obtained under this order for material

to be used as lease equipment", as that term is defined in Petroleum Administrative Order No. 11."

(11) The title of paragraph (d) is amended by the substitution of the words "preference ratings" for the word "rating". Paragraph (d) is amended by the insertion of the words "for use in any branch of the petroleum industry other than retail marketing" immediately following the word "material" and before the comma; by the deletion of the words following the symbol "AA-1" to the end of the sentence; and by the substitution of a period for the comma following that symbol. A second sentence is added to paragraph (d) to read as follows: "To secure MRO material for use in retail marketing an operator may use allotment symbol MRO-P-3 and preference rating AA-5."

(12) Paragraph (e) (2) is amended by the insertion of the words "more than" between the word "of" and the number "\$100"; by the deletion of the words "or more" following the number "\$100"; by the inserting of the word "approximate" between the word "the" and the word "price"; and by the addition at the end of the sentence of the words "and the month in which delivery of the material is required."

(13) The introductory paragraph of paragraph (e) (3) up to and including the colon is deleted and the following introductory paragraph is substituted in its stead:

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the purchasing office of the operator is located), Ref: Materials Division, as follows:

(14) Paragraph (e) (3) (i) is amended by the deletion of the words "less than" before the number "\$100" and by the insertion of the words "or less" after the number "\$100" and before the comma.

(15) Paragraphs (e) (3) (ii) through (e) (3) (iv), inclusive, are deleted and the following material is substituted in their stead:

(ii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than \$100 but not more than \$2,500 and has no item of more than \$500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than \$2,500,

or has any item of more than \$500, two copies must be submitted for approval and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials or for aluminum, and has a total cost of more than \$100, one copy must be submitted for information purposes.

(16) Paragraph (e) (3) is amended by the deletion of the three paragraphs within that subparagraph commencing with that paragraph which begins with the words "All orders for MRO" and ending with that paragraph which ends with the words "copy of such order". The final paragraph within that subparagraph, which paragraph will remain, is amended by the substitution of the letter "B" for the letter "A".

(17) Paragraph (e) (4) is deleted and the following material is substituted in its stead:

(4) An operator requiring aluminum as a controlled material need only comply with the previous subparagraphs of this paragraph (e) to obtain 500 pounds or less from all sources during a calendar quarter. If the quantity required is more than 500 pounds, he must apply by letter for permission to purchase the excess amount (furnishing the applicable information called for by paragraph (d) of Supplementary Order M-1-i) to the Aluminum and Magnesium Division, War Production Board, Ref: M-1-i. If approved the operator must then place his delivery orders in accordance with the previous subparagraphs of this paragraph (e).

(18) Paragraph (e) is amended by the addition of paragraph (e) (5) to read as follows:

(5) To use a preference rating obtained for MRO material pursuant to a Form WPB-541 (PD-1A) application, an operator must place on the delivery order the rating and allotment symbol P-3.

(19) Paragraph (f) (3) is amended by the insertion of the word "approximate" before the word "price", and by an alteration in the sequence of the first four words to read, "Quantity, approximate price and".

(20) Paragraph (g) is amended in the following respects:

(a) The last item in the series of special production operations there listed is deleted and the following item is substituted in its stead: "A gas lift compression plant or a field gas booster plant where the material to be installed or added in-

creases the rated capacity of the plant more than 500 h. p."

(b) In the last paragraph within that paragraph the words "and symbol" are inserted in the first sentence between the word "numbers" and the word "and".

(21) The title of paragraph (h) is amended by the insertion of the words "symbol and preference" between the word "and" and the word "rating". Paragraph (h) is amended by the deletion of paragraph (h) (1); by the renumbering of paragraph (h) (2) as (h) (3); and by the insertion of the following material as paragraphs (h) (1) and (h) (2), respectively:

(1) *Application must be made for allotment of controlled materials.* To obtain controlled materials for use in production, an operator must secure an allotment and an allotment number by applying on PAW Form 35, except that a small quantity of carbon steel may be obtained (without such an application) through the use of allotment symbol PSO (petroleum small order), as described in paragraph (h) (2) immediately following. PAW Form 35 applications will be filed in triplicate (3) with the District Office of the Petroleum Administration for War for the District in which operations are to be conducted, Ref: Materials Division.

Operators should file PAW Form 35 at least three months prior to the beginning of the calendar quarter in which the controlled materials are to be delivered, where operations can be planned to permit such advance filing. Otherwise, applications on that form should be filed not less than one month prior to the proposed delivery date of the controlled materials.

Interim assistance may be requested at any time by filing PAW Form 35 as a supplemental application.

(2) *Small order exception for carbon steel.* As an exception to the rule stated in the preceding subparagraph that an operator must apply for an allotment of controlled materials, an operator may use allotment symbol PSO to secure the delivery of no more than 10 tons of carbon steel as a controlled material during any calendar quarter for use in production.

If an operator will require more than 10 tons of carbon steel in any calendar quarter, he should apply on PAW Form 35 for an allotment of the total quantity of his estimated needs in the manner described in the preceding subparagraph. By so doing, the operator will be able to use allotment symbol PSO to obtain up to 10 tons of carbon steel for unanticipated needs discovered after the application has been filed, and will thus

be relieved of the need to file many interim applications.

(22) The title of paragraph (i) is amended by the insertion of the words "symbol and preference" between the word "and" and the word "rating". The introductory matter in paragraph (i) up to and including the colon is amended to read as follows: "To use his allotment number or symbol and preference rating, a production operator must:"

(23) Paragraph (i) (1) is deleted and the following material is substituted in its stead:

(1) Indicate on each delivery order for controlled materials the allotment number (and PAW Form 35 serial number) or allotment symbol PSO (in the case of a small order); and indicate on each delivery order for other materials the preference rating and allotment symbol P-1; certifying each delivery order in accordance with paragraph (r).

(24) Paragraph (i) (2) is amended by the insertion of the words "more than" between the word "of" and the number "\$100"; by the deletion of the words "or more" following the number "\$100"; by the insertion of the word "approximate" between the word "the" and the word "price"; by the insertion of the words "if any," between the word "number" and the word "if"; and by the addition of the following material to the end of the subparagraph: ", and the month in which delivery of the material is required."

(25) Paragraph (i) (3) is amended by the deletion of the matter in parentheses and the parentheses in the introductory matter and by the substitution of the words "Ref: Materials Division," in their stead.

(26) Paragraphs (i) (3) (i) is amended by the deletion of the words "less than" before the number "\$100" and by the insertion of the words "or less" after the number "\$100" and before the comma.

(27) Paragraphs (i) (3) (ii) and (i) (3) (iii) are deleted and the following material is substituted in their stead:

(ii) If the delivery order is for controlled materials, and has a total cost of more than \$100 but not more than \$2,500, and has no item of more than \$500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials, and has a total cost of more than \$2,500, or has any item of more than \$500, two copies must be submitted for approval, and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials, and has a total cost of more than \$100, one copy must be submitted for information purposes.

(28) Paragraph (i) (3) is amended by the deletion in its entirety of the paragraph commencing with the words "an operator" and ending with the words "such order", which paragraph immediately follows paragraph (i) (3) (iii). The final paragraph, within that subparagraph, which paragraph immediately follows the paragraph deleted in its entirety, is amended by the deletion of the word "asterisked" and by the substitution of the letter "B" for the letter "A".

(29) Paragraph (k) is amended by the deletion of the last item in the series of special production operations there listed and by the substitution of the following item in its stead: "A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 h. p."

(30) The title of paragraph (e) is amended by the insertion of the word "preference" between the word "and" and the word "rating". Paragraph (l) is amended by the deletion of all the material following the first sentence, and by the substitution in its stead of the following material as three separate paragraphs:

Form WPB-541 (PD-1A) may be used instead of PAW Form 30 to request a preference rating for machinery or equipment, if the machinery or equipment will be installed with the use of no more than \$500 worth of material obtained through the MRO procedure of this order and if the machinery or equipment will be installed as part of a complete operation having a total material cost of no more than \$5,000.

Form WPB-541 (PD-1A) may also be used instead of PAW Form 30 to request a preference rating for any material, regardless of cost, which will not be incorporated into a plant or other facility (for example, an item of construction machinery or equipment), unless a War Production Board order requires the use of some other form.

Form WPB-541 applications will be filed with the nearest War Production Board Field Office.

(31) The title of paragraph (m) is amended by the substitution of the words "or symbol and preference" for the word "and" between the word "number" and the word "rating", and the paragraph is amended in the following respects:

(a) The first sentence, which ends with the letter "(r)", is deleted and the

following material is substituted in its stead:

To use the allotment number and preference rating granted through a PAW Form 30 application an operator must place the allotment number on delivery orders for controlled materials and the allotment number and preference rating on delivery orders for other materials. On each delivery order for material rated after a Form WPB-541 application an operator must place the rating and either allotment symbol F-5 (in refining) or P-1 (in any other branch of the industry). Each delivery order must bear the standard certification of paragraph (r).

(b) The second sentence is amended by the insertion of the words "or Form WPB-541" after the phrase "in connection with the PAW Form 30" and before the word "application", and this sentence, as amended, is to appear as a separate paragraph.

(c) A third paragraph is added to read as follows:

Any rating or allotment number assigned pursuant to an application on either of such forms may be used without submitting delivery orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

(32) Paragraph (n) (1) is amended by the insertion of the words "as amended and supplemented from time to time" both at the end of the first sentence which ends with the number "15" and at the end of the second sentence which ends with the number "11"; by deletion from third sentence of the word "either" wherever it appears, and the words "or Form WPB-541"; by deletion from third sentence of the words "of these" and the substitution of the word "this" in their stead; and by the change in the third sentence of the word "forms" to the word "form" wherever it appears.

(33) Paragraph (n) (2) is amended by the insertion of the words "from time to time" at the end of the first sentence which presently ends with the word "supplemented" and by the insertion of the words "or an amendment or supplement to that order" in the second sentence between the symbol "PAO-12" and the comma.

(34) Paragraph (p) (1) is amended by the deletion of the words "less than" before the number "\$100"; by the insertion of the words "or less" after the number "\$100"; and by the deletion of the number "\$1,000" and the substitution in its stead of the words "\$2,500 or less."

(35) Paragraph (p) (3) is amended by the insertion of the words "where an allotment of controlled materials has been made and an allotment number au-

thorized in connection with it," as the beginning of the first sentence and before the words "the allotment number"; by the insertion of the words "and allotment symbol FSO, in connection with production," in the second sentence after the word "material," and before the word "shall"; by the deletion of the word "an" from the second sentence between the word "constitute" and the word "allotment," and by the substitution of the word "symbols" for the word "symbol" between the word "allotment" and the word "for"; and by the insertion of the following sentence between the first sentence and the second sentence: "In the event that no allotment number has been so authorized, the appropriate allotment symbol stated in the order should be used."

(36) Paragraph (q) (1) is amended in the following respects:

(a) The first two sentences are deleted and the following sentence is substituted in their stead: "An operator who receives an allotment of controlled materials on PAW Form 35 must reallocate the same or place delivery orders for such materials within thirty days after the allotment is received."

(b) The word "authorized" is inserted in the third sentence between the word "placing" and the word "controlled," and the word "period" is substituted in the same sentence for the word "periods" between the word "such" and the comma.

(c) The matter in parentheses in the third sentence and the parentheses are deleted.

(37) Paragraph (q) (2) is amended by the deletion of the words "or Form WPB-541" from the first sentence between the number "30" and the word "must"; by the substitution of the word "authorized" for the word "made" as the last word of the first sentence; by the insertion of the word "authorized" in the second sentence between the word "placing" and the word "controlled"; and by the deletion of the matter in parentheses in the second sentence and the parentheses.

(38) Paragraph (q) (3) is amended by the deletion of words "Petroleum Administration for War or the Office of Oil Controller" from the fourth sentence and the substitution of the following words in their stead to complete the sentence: "District Office (in the case of production) or of the Washington Office (in all other cases)."

(39) Paragraph (r) is amended by indenting the second paragraph which commences with the words "the undersigned purchaser."

(40) Paragraph (u) (2) is amended by the substitution of number "(7)" for number "(6)" in the third sentence in the reference to paragraph (c) (6).

(41) Paragraph (u) is amended by the addition of paragraphs (u) (4) and (u) (5) to read as follows:

(4) Privileges granted by other orders and regulations of the War Production Board to persons on Schedule I of CMP Regulation 5 shall be considered as applicable to petroleum operators, other than operators to the extent that they are engaged in retail marketing, operating under this order. For example, Order E-5-a on gauges and precision measuring hand tools classifies a person on Schedule I or II of CMP Regulation 5 as an "approved user." With the stated exception, an operator covered by P-98-b is in identically the same position, provided that certification clauses in and all other provisions of such other orders are complied with.

(5) Where a preference rating or allotment symbol, or both, is permitted or is required to be used by any other "E", "L", "M", "P", or "U" order or any regulation of the War Production Board to obtain a specific item of material, it will not also be necessary to follow any procedure of this order to obtain that item of material.

(42) Paragraph (w) is amended to read as follows:

All reports required to be filed hereunder and all communications concerning this order should, unless other directions are given, be addressed to the Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref.: P-98-b.

The addresses of the Petroleum Administration for War District Offices are set forth in Schedule D.

(43) Schedule A is amended to read as follows:

The items listed on this schedule may be delivered to operators without regard to preference ratings. No operator shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale.

Items on List A of Priorities Regulation 3. Rock bits and core bits (rotary bits).

(44) Schedule B is relettered Schedule C and is amended by the substitution of the words "nearest WPB Field Office" for the words "PAW, Washington" where they appear under the column entitled "filing instructions" opposite items lettered (a), (b), (c) and (f), and by the insertion of the following material as an introductory paragraph:

The special MRO procedure of Schedule B may be used to request a rating for only those items on List B of Priorities Regulation 3 as MRO material which are listed on that schedule. Many of the other items on List B of Priorities Regulation 3 may be secured with-

out a preference rating and every attempt should be made to do so. If a rating is required for any of these remaining items or for any other item which cannot be secured with a blanket MRO rating, it should be applied for on Form WPB-541 (PD-1A), filed with the nearest WPB Field Office. There are two general exceptions to this rule. In the first place, laboratory instruments and equipment may be obtained under the regular MRO procedure of this order. And secondly, the forms indicated below will be used for the items there listed.

(45) A new Schedule B is inserted to read as follows:

#### SCHEDULE B

The procedure established by this schedule must be followed in order to request a rating for any item listed on it. Certain of these items are on List B of Priorities Regulation 3, and any rating secured under this procedure for such an item is not a blanket MRO rating and may be used to secure such item.

In order to request a rating under this procedure two copies of each delivery order (regardless of amount) must be submitted to the District Office of the PAW of the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the operator's purchasing office is located.) For each such delivery order, in addition to the statement which must regularly accompany an MRO delivery order submitted to PAW concerning the specific use to which the material will be put, the operator should include a detailed explanation of why he requires the particular item requested. An operator may not place a delivery order with a supplier covering these items until approval of such order has been returned to him. For convenience this will be referred to as the "special MRO procedure."

The following materials are covered by this schedule:

(a) Those items currently identified on (and more completely described in) List B of Priorities Regulation 3 as follows, and any equivalent items replacing them on revisions of that List B, when required as MRO material:

#### Description

Civilian defense devices.  
Filing cabinets, wooden.  
Fire protective equipment.  
Furniture for use in offices, factories, industrial establishments and institutions, except furniture specifically designed for schools.  
Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment).  
Medical, surgical and dental instruments.  
Slide rules, precision engineering, having a list price of \$7.50 or more.  
Venetian blinds.

(b) Construction machinery and equipment (on Schedule B of Order L-192) costing in excess of \$500, when required as MRO material or as material for use in production.

(46) Schedule C is relettered Schedule D.

Issued this 26th day of January 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-1357; Filed, January 26, 1944;  
11:34 a. m.]

## Chapter XI—Office of Price Administration

### PART 1346—BUILDING MATERIALS

[MPR 466,<sup>1</sup> Amdt. 1]

#### ASBESTOS-CEMENT BUILDING MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 466 is amended in the following respects:

1. Section 1.1 is amended to read as follows:

SEC. 1.1 *Persons subject to this regulation.* Any person making a sale or delivery governed by this regulation is subject to it.

A "person" is an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

A "manufacturer" means any person who produces any specific asbestos-cement shingles, sidings or accessories, and includes any person who purchases, rather than produces, any asbestos-cement shingles, sidings and accessories from a producer for resale in the same form and without further processing usually under his own name or trade name, to the same trade classifications through which original producers usually distribute such products. The description also includes commission salesmen, the manufacturer's representatives and any other manufacturer's agents.

A "dealer" is a merchant maintaining a permanent place of business equipped with sales personnel and service facilities sufficient to serve the consuming public.

2. Section 3.9 is added to read as follows:

SEC. 3.9 *Sales between manufacturers.* (a) Any manufacturer of asbestos-cement building materials subject to this regulation may, subject to the filing provisions of paragraph (b) of this section,

\*Copies may be obtained from the Office of Price Administration.  
<sup>1</sup> 8 F.R. 12612.



offer to sell, sell and deliver any such commodity or commodities to any other manufacturer subject to this regulation, at a price agreed upon by the seller and the buyer when the price so agreed upon is in excess of the maximum price for the seller under this regulation under the following conditions:

(1) Both the seller and buyer must be "manufacturers" as the term is defined in this regulation;

(2) The product must be one whose maximum price is established by the regulation and one which is subject to the regulation for both the seller and the buyer;

(3) The buyer must resell the product in the same form as purchased from the seller; and

(4) Any increase in price resulting from the agreement under this section must be absorbed by the buyer and must neither be reflected, directly or indirectly, in the resale price nor may such increase be used as a basis for a request for an increase in price by way of an application for adjustment or petition for amendment under this regulation.

(b) Before any sale or delivery may be made upon the basis of the price arrived at pursuant to paragraph (a) above, the buyer must submit a statement to the Office of Price Administration, Building Materials Price Branch, Washington, D. C., showing:

(1) The commodity or commodities involved in the sale;

(2) The names and addresses of the seller and the buyer;

(3) A specific statement from the buyer that the increase in price or prices will not be passed on in the resale of the product or products and that such increases resulting from the agreement will not be made the basis for an application for adjustment or petition for amendment under this regulation.

3. Section 4.3 (a) is amended to read as follows:

(a) *Practice I—Prices applicable.* In all cases throughout this regulation, every carload and truckload shipment of asbestos-cement building materials will take the price specified as the carload price, and every less-than-carload and less-than-truckload shipment will take the price specified in a less-than-carload price, except for asbestos-cement shingles, siding and accessories for which net list prices, as enumerated in this regulation, may be charged on less-than-truckload shipments delivered to destination by a manufacturer.

4. That portion of Table 2 of section 5.4 (b) headed "Maximum Prices Per Lineal Foot—For Battens  $\frac{3}{16}$ " Thick" is amended by inserting directly beneath the table the following footnotes:

<sup>1</sup>These are distributors who purchase materials for resale, erection contractors engaged in the sale and application of roofings and sidings, steel erection contractors and equipment manufacturers who use the materials as part of their finished product.

<sup>2</sup>These are railroads, industrials, general contractors, state, county, and municipal

governments and all others purchasing materials for their own use.

5. Table 3A under section 6.3 (a) is amended by deleting \$.069 under J-M f. o. b. Marrero, La., under Eastern Area dealer prices and inserting in its place and stead \$.0695.

6. That portion of Table 3A of section 6.3 (a) headed "Manufacturer and Product" is amended to delete the letters "DeL" so that it reads:

Johns Manville:

Plain  
Scored  
Decorative Plain  
Decorative Scored  
Deluxe Board  $\frac{1}{2}$ " thick:  
All styles and colors  
 $\frac{3}{16}$ " Thick Plain  
Battens (per lineal ft.)  
 $1\frac{1}{4}$ " x 4"  
2" x 4"  
4" x 4"

Kearney and Mattison:

Plain  
Decorative Plain  
Decorative Scored  
Battens (per lineal ft.)

7. Table 4 of section 7.5 (a) is amended by adding to the heading "Std. 4.2 corrugation" a footnote indication, so that it reads "Std. 4.2" corrugation" and placing beneath the table a footnote "a" directly preceding the sentence "When lengths exceeding 11' 0" are required, two shorter lengths of 4.2" corrugation, including laps, at the price of 11' 6" or 12' 0" as required, shall be furnished."

8. Section 8.1 is amended to read as follows:

SEC. 8.1. *Application of this article.* The provisions of this article shall apply to all sales of asbestos-cement shingles, siding and accessories in which the point of destination is within the Eastern Area. The Eastern Area includes all the continental United States except the States of California, Oregon, Washington, Nevada, Arizona, Utah, New Mexico (except McKinley County) and the County of Lemhi in Idaho.

9. Section 8.2 (c) is amended to read as follows:

(c) When the shipment is made wholly or partially by water: in lieu of the allowance set forth in section 8.2 (a) above, the allowance to the purchaser shall include the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels, where such charges are not included in the published rate of the carrier.

10. Section 8.3 (a) is amended to read as follows:

SEC. 8.3. *Equalization points and free delivery zones for asbestos-cement shingles, siding and accessories—(a) Equalization points.*<sup>2</sup>

Mobile, Alabama  
Chicago, Illinois  
Chicago Heights, Illinois  
Joliet, Illinois

Waukegan, Illinois  
Wilmington, Illinois<sup>1</sup>  
East Chicago, Indiana  
New Orleans, Louisiana  
Marrero, Louisiana  
St. Louis, Missouri  
Bound Brook, New Jersey  
East Rutherford, New Jersey  
Kenilworth, New Jersey<sup>1</sup>  
Manville, New Jersey  
Millington, New Jersey  
Lackland, Ohio  
Ambler, Pennsylvania

11. Section 8.4 (a) (3) is added to read as follows:

(3) The maximum prices specified below in Table 5 opposite company names shall extend and be applicable to all sellers, including the particular manufacturer and all other persons selling at the same or other levels of distribution, who offer to sell or sell the product of the designated company. The maximum prices specified opposite the term "All other sellers" apply to persons at all levels of production and distribution who offer to sell or sell the applicable commodities of manufacturers other than those of the particular companies designated.

12. Section 9.2 is amended to read as follows:

SEC. 9.2. *Computation of maximum prices.* Maximum prices for asbestos-cement shingles, siding and accessories shall be as set forth in Table 6 below together with the provisions regarding transportation charges, freight equalization and other additional charges contained in this article and in accordance with Practices I through IV set forth in section 4.3 above.

In the case of U. S. G., a freight allowance of 35¢ per cwt. must be made on Nos. 600, 700, 900 and 950 siding shingles. On all shipments, U. S. G. must equalize with Pittsburg, California, up to a maximum of 75¢ per cwt. In the case of Nos. 600, 700, 900 and 950 siding shingles, such equalization of 75¢ per cwt. shall include the allowance of 35¢ per cwt. In the event that the lowest equalized freight rate is less than 35¢ per cwt., the freight allowances allowed on Nos. 600, 700, 900 and 950 siding shingles shall be the amount of the actual equalized freight rate.

In the case of J-M, a freight allowance of 35¢ per cwt. of the lowest applicable freight rate must be made on shipments of numbers 105-U, 107-U, 109-U Blended Gray and Oyster White siding shingles on shipments from Pittsburg, California. In the event that the lowest applicable freight rate is less than 35¢ per cwt., only the actual amount of freight must be allowed.

13. That portion of section 9.3 (b) preceding the Table 6 heading "Asbestos-Cement Hexagonal and Dutch Lap Shingles" is amended to read as follows:

(b) *Table of list prices for asbestos-cement shingles, siding and accessories*

for the Western Area. Table 6—*Maximum Prices are Determined by Applying the Following Discounts to the List Prices Shown Below:*

J-M Less-than-carload shipments—5%.

J-M Carload shipments—20%.

U. S. G. Carload shipments—20% and 6%.

J-M must charge no more than list less 17% when carload shipments are delivered by their own or hired trucks within the corporate limits of Pittsburg, Los Angeles, Vernon, and Beverly Hills, California, and net list when such shipments are made in LCL quantities.

14. That portion of Table 6 of section 9.3 (b) headed "Asbestos-Cement Shingle Accessories" is amended to delete the list price "\$4.70" now appearing for "hexagonal starters—all other colors" under the heading "J-M Los Angeles, California" and to substitute the list price "\$5.70" in its place.

This amendment shall become effective as of September 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1318; Filed, January 25, 1944;  
4:03 p. m.]

#### PART 1366—USED CONSUMER DURABLE GOODS

[MPR 429, Incl. Amdt. 1]

##### CERTAIN USED CONSUMER DURABLE GOODS

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 429 are and will be generally fair and equitable and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardizations, that no practical alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order No. 59, 8 F.R. 12552, effective 9-11-43]

§ 1366.1 *Maximum prices for certain types of used consumer durable goods.* Under the authority vested in the Price Administrator by the Emergency Price

Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 429 (Ceiling Prices for Certain Types of Used Consumer Durable Goods), which is annexed hereto and made a part hereof, is hereby issued.

#### MAXIMUM PRICE REGULATION NO. 429—CEILING PRICES FOR CERTAIN TYPES OF USED CONSUMER DURABLE GOODS

##### CONTENTS

##### Sec.

1. What to look for in this regulation.
2. Relation to the General Maximum Price Regulation and other regulations.
3. Antiques and objects of art.
4. What transactions and persons are covered by this regulation.
5. How to determine your ceiling prices.
6. How to find the price of the new article.
7. How to determine the class of a used article.
8. How to find the ceiling price for each class.
9. Fixing of dollars-and-cents ceiling prices for certain articles by Regional or other offices of the Office of Price Administration.
10. Application for permission to charge higher prices under certain specified circumstances.
11. Credit, delivery, packing and other charges.
12. Evasion, licensing and enforcement.
13. Posting ceiling price notice.
14. Tagging.
15. Sales slips or receipts.
16. Petitions for amendment.
17. Geographical coverage of this regulation.

AUTHORITY: § 1366.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *What to look for in this regulation.* This regulation tells how to find ceiling prices for certain types of used goods. As defined in this regulation used goods includes reconditioned, rebuilt, and renovated goods. However, this regulation does not cover goods which were sold new and which have been returned to the original seller who has returned to the buyer the full amount paid on account of the purchase of the goods. (Such goods are to be treated as new goods under Office of Price Administration price regulations).

This regulation does not cover the sale of all used goods. It only covers the sale of the used goods listed below:

(a) All kinds of furniture made from any kind of material, to be used for any purpose, including furniture used in offices, stores, restaurants, hospitals, hotels, camps, trailers, boats, institutions and similar places as well as homes.

(b) All kinds of bedding including mattresses, pillows, studio couches, sofa beds, boxsprings, and pads, but not including non-upholstered metal coil or flat bedsprings, folding bedsprings or bedsprings with stationary or folding legs attached, metal cots and fold-away beds.

(c) All kinds of domestic cooking and space heating stoves except gas cooking stoves.

(d) All kinds of soft surface floor coverings including carpets and rugs; and hard surface floor coverings including

linoleum, inlaid, and felt base. Knotted oriental rugs are not included.

(e) All kinds of portable lamps and lamp shades.

(f) The following houseware items: clothes wringers, metal ironing tables, laundry boilers, ice cream freezers, kitchen and bathroom scales, pressure canners, kitchen cutlery, choppers and grinders, small electrical appliance (including irons, fans, space heaters, heating pads, etc.) metal cooking utensils, carpet sweepers, step ladders, and stools.

(g) All kinds of hand tools including, but not limited to the following: chisels, of all types, pliers, wrenches, screw drivers of all types, snips, shears, shovels, farm and garden tools commonly known as steel goods, axes, hammers, hatchets, saws, sledges, wedges, mauls, picks, legging tools, carpenter's tools (such as planes, levels and squares).

(h) The following hardware items: wheelbarrows, blow torches, chain and chain products.

(i) All kinds of musical instruments, except pianos.

(j) All kinds of baby carriages, strollers, and baby walkers.

(k) Portable room coolers of one horse power or less.

(l) All kinds of commercial and institutional kitchen equipment including, but not limited to, ranges, broilers, automatic fryers, roasting and baking ovens, steam tables, hot plates, griddles, coffee urns and coffee making systems, toasters, dishwashers, glasswashers, mixers, choppers, slicing machines, burnishers, potato peelers, vegetable steamers, and canopies.

(m) All kinds of store and office fixtures including, but not limited to filing cabinets, lockers, storage cabinets, wardrobes, movable safes, and store measuring devices used in the sale of merchandise such as scales, liquid and bulk measures and linear measuring machines. This regulation does not cover the sale of business machines, such as accounting, computing, recording, reproducing and writing machines, time clocks, registers, and machines for handling checks, mail, fares or tickets or for sorting or changing coins.

(n) All kinds of beauty and barber shop furniture, fixtures and equipment.

[Paragraph (m) and (n) as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

(o) All kinds of coin operated vending machines for cigarettes, candy, beverages, etc.; and coin operated weighing machines and juke boxes, pin ball machines and other amusement machines.

(p) All kinds of household sewing machines.

[Paragraph (p) added by Am. 1]

SEC. 2. *Relation to the General Maximum Price Regulation and other regulations.* This regulation takes the place of the General Maximum Price Regulation<sup>3</sup> for the sales of the used articles which are listed in section 1 above. How-

<sup>3</sup> 8 F.R. 3090, 3849, 4347, 4480, 4724, 4970, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

<sup>1</sup> 8 F.R. 9877.

<sup>2</sup> Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.



ever, this regulation does not cover the sale of the used goods listed below which are covered by other regulations.

Used household mechanical refrigerators (nonmechanical refrigerators remain under the General Maximum Price Regulation are not covered by Maximum Price Regulation 429.) MPR 139<sup>a</sup>  
 Used typewriters MPR 162<sup>b</sup>  
 Used vacuum cleaners MPR 294<sup>c</sup>  
 Used washing machines MPR 372<sup>d</sup>  
 Used bedsprings MPR 380<sup>e</sup>

<sup>a</sup>Revised: 8 F.R. 3706, 5484, 9779, 10079.

<sup>b</sup>Revised: 9 F.R. 526.

<sup>c</sup>8 F.R. 139, 3528, 8979, 15937.

<sup>d</sup>8 F.R. 5533.

<sup>e</sup>8 F.R. 5929, 7114, 13712.

### Sec. 3. Antiques and objects of art.

This regulation does not cover the sale of antiques and objects of art. An article is an antique if it is more than 75 years old, tends to increase rather than decrease in value because of its age and is commonly known and dealt in as an antique by the trade.

**Sec. 4. What transactions and persons are covered by this regulation.** (a) This regulation covers all sales by any person to any other person with the following exceptions only:

(1) Sales by a householder who is selling goods which he originally bought for use. Sales by dealers or auctioneers whether for their own account, or for the account of a householder or anyone else, and sales of used goods out of a residence as a regular business are covered.

[Subparagraph (1) as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

(2) [Revoked]

[Subparagraph (2) revoked by Am. 1]

(3) Sales by the War Department, the Department of the Navy of the United States, or the Procurement Division of the Treasury Department.

(4) Sales at wholesale. A sale at wholesale is a sale to a person who buys for the purpose of reselling the goods, rather than for use. Sales at wholesale remain covered by the General Maximum Price Regulation.

(b) "Person" includes an individual, corporation, partnership or any other organized group of persons; their legal successors, or representatives; the United States or any Government, or any of their political subdivisions.

[Paragraph (b) as amended by Am. 1]

**Sec. 5. How to determine your ceiling prices.** (a) First, you must find the price of a new article (which is the same as or similar to the used article you are pricing), according to the rules in section 6.

(b) Second, you must find the class in which the used article you are pricing belongs. (Class I or Class II—See section 7).

(c) You then find your ceiling price which is either  $\frac{3}{4}$  or  $\frac{1}{2}$  of the price of the new article, depending on the class in which the used article you are pricing belongs.

**Sec. 6. How to find the price of the new article.** You find the price of the new article by using these rules in the order in which they appear:

(a) **Rule 1.** Find the retail selling price of the same article, new, for sale in your own stock.

(b) **Rule 2.** If you do not have the same article, new, in stock, find the retail selling price of a similar article, new, in your own stock. A used article is "similar" to a new article if the used article has the same uses and when new would give fairly equivalent service. In addition, the used article, when new, must have sold for approximately the same price as the similar new article now sells for.

(c) **Rule 3.** If you do not have a similar article, new, in stock, find the retail selling price of the same article, new, in the same shopping area. (The shopping area is the area in which persons in your community shop for new goods of the kind you are pricing.)

(d) **Rule 4.** If the same article, new, is not for sale in the same shopping area, find the retail selling price of a similar article, new, for sale in the same shopping area. A used article is "similar" to a new article if the used article has the same use and when new would give fairly equivalent service. In addition, the used article, when new, must have sold for approximately the same price as the similar new article now sells for.

(e) **Rule 5.** If the same or similar article is not being sold in your community, find the retail selling price when this article was last sold in your community.

(f) **Rule 6.** If you cannot find the retail selling price under any of these Rules above, apply to the appropriate Office of Price Administration District Office, for information on how to determine your price.

Remember, if you can find the price of the new article in Rule 1, you cannot use Rules 2, 3, 4, 5, or 6. If you can use Rule 2, you cannot use Rules 3, 4, 5, or 6. If you can use Rule 3, you cannot use Rules 4, 5, or 6. If you can use Rule 4, you cannot use Rules 5 or 6.

**Sec. 7. How to determine the class of a used article—(a) Class I.** An article is a Class I article if:

(1) No part is missing which is necessary to make the article fully useful.

(2) The article is in good working condition, can be used by the consumer for the purpose intended without further repair, and the article is clean and its appearance is good.

*For example:* In the case of floor covering, upholstered furniture and bedding, the fabric must be clean and substantially free from burns, cuts, tears, stains, frayed edges, faded colors, and worn spots.

(b) **Class II.** An article is a Class II article if it is not in Class I.

**Sec. 8. How to find the ceiling price for each class.** The ceiling price for the used article must be no more than:

Class I.  $\frac{3}{4}$  (75%) of new.

Class II.  $\frac{1}{2}$  (33 $\frac{1}{3}$ %) of new.

*Example for Class I:* If the selling price of a new article is \$40, you determine the ceiling price of the used article by multiplying \$40 by  $\frac{3}{4}$  and dividing the result by 4; 3 times \$40 is \$120; \$120 divided by 4 is \$30; \$30 is the ceiling price for the Class I used article.

*Example for Class II:* The selling price of the new article is \$30. To determine the ceiling price of the used article, you divide the \$30 by 3; \$30 divided by 3 is \$10. This is the ceiling price for the Class II used article.

No sales, attempts to sell, offers to sell or deliveries shall be made at prices higher than the ceiling price. Of course, sales may be made at lower than ceiling prices.

[Sec. 8 as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

**Sec. 9. Fixing of dollars-and-cents ceiling prices for certain articles by Regional or other offices of the Office of Price Administration.** Any Regional Office of the Office of Price Administration or such other offices as may be authorized by the appropriate Regional Office, may by order fix dollars-and-cents ceiling prices for the sales of any articles covered by this regulation in any area or locality within its jurisdiction. Any order fixing maximum prices issued under the authority of this provision will supersede the provisions of this regulation with respect to sales subject to such order.

**Sec. 10. Adjustment of prices under certain circumstances.** Any regional office of the Office of Price Administration or such other offices as may be authorized by the proper regional office may grant permission to any person subject to this regulation to charge a higher price for the sale of any rebuilt or reconditioned article than is permitted by this regulation if it is found that:

(a) The article is essential, and is one of which there is a serious shortage.

(b) There has been expended (in the course of rebuilding, reconditioning, or renovating the used article) a substantial amount for labor and materials.

(c) Considering the substantial amount expended for labor and materials, the establishment of a price by the Class I formula would result in a price so low that he could not reasonably be expected to continue to recondition or rebuild the article.

For further information consult with your nearest district office of the Office of Price Administration.

Until such permission is granted the ceiling price is the price fixed by this regulation.

**Sec. 11. Credit, delivery, packing and other charges.** (a) Any additional charge for credit, packing, delivery, or anything else which is not quoted and billed separately is considered part of the selling price. You may charge for those services only to the extent allowed by this section.

(b) If you were engaged in the business of selling goods during March 1942, and during that month made a separate charge for the extension of credit, or for delivery or packing, you may make a charge for any of those services on the sale of goods covered by this regulation no greater than the charge you made during March 1942, and you must quote and bill those extra charges separately.

(c) If you were not engaged in business during March 1942, or if you did not extend credit or delivery or packing service during that month, you may

make a charge for any of those services rendered the buyer; no greater than the charge made by your closest competitor selling used goods, who makes a separate charge for that service. You must quote and bill those extra charges separately.

(d) You cannot require the customer to take any of these services.

[Sec. 11 as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

**SEC. 12. Evasion, licensing and enforcement—(a) Evasion.** You must not evade any of the provisions of this regulation by any scheme or device, or by any practice which has the effect of getting a higher-than-ceiling price. Specifically, you cannot offer to sell used goods covered by this regulation only on condition that the customer agree to pay for reconditioning, repairing, or rebuilding to be performed by you before or after he buys the merchandise or only on condition that the customer buy goods which he does not wish to buy. If the customer buys an article from you, and asks you to rebuild it or recondition it, the total amount which you receive on account of the sale of the goods and on account of the reconditioning or rebuilding cannot exceed the ceiling price of the goods if you offered the goods for sale as Class I goods.

You may not use the published list price as the price of the new article under section 6, if that published list price was generally not observed by sellers of new goods. Section 6 requires you to find the actual selling price of the new article.

(b) **Licensing.** The provisions of Licensing Order No. 1,<sup>2</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraph (b) as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

(c) **Enforcement.** On and after September 1, 1943, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended, if you violate any provision of this regulation.

**SEC. 13. Posting ceiling price notice.** If you are a retailer, you must post a sign no smaller than 11" x 17" in size, in a place that is permanently and clearly visible to all customers for used goods. Your nearest Office of Price Administration Office can help you get this sign. This sign must read substantially as follows except that you may omit from it any articles not sold in your store.

CEILING PRICES ON USED, RECONDITIONED, OR REBUILT ARTICLES

(Name of your establishment)

<sup>2</sup> 8 F.R. 13240.

Our ceiling prices for the used, reconditioned, rebuilt and renovated articles listed below have been fixed under Maximum Price Regulation No. 429 issued by the Office of Price Administration.

The regulation sets up ceiling prices for the following articles:

Furniture.  
Bedding.  
Floor Coverings.  
Stoves, ranges and space heaters.  
Baby Carriages.  
Musical instruments, except pianos.  
Lamps and lamp shades.  
Housewares.  
Hand tools.  
Room Coolers.  
Office and store furniture and fixtures.  
Commercial and institutional kitchen equipment.  
Beauty and barber shop furniture, fixtures and equipment.  
Coin operated vending machines.

#### CEILING PRICES

The used goods covered by the regulation must be classified as Class I or Class II, according to quality.

This store is not allowed to charge more for these used goods than the ceiling prices described below under the two classes.

**Class I:** This group includes all used articles which meet the conditions shown below.

Ceiling prices for articles in Class I must not be priced higher than 75 percent of the present retail selling price of the same or a similar article.

Used articles may be included in Class I only if they meet these conditions:

1. No part is missing which is necessary to make the article fully useful.
2. The article is in good working condition, can be used by the consumer for the purpose intended without further repair, and the article is clean and its appearance is good.

For example—in the case of floor covering, upholstered furniture and bedding, the fabric must be clean and substantially free from burns, cuts, tears, stains, frayed edges, faded colors and worn spots.

**Class II:** This group includes all articles which do not meet the requirements of Class I.

Ceiling prices of articles in Class II must not be priced higher than 33½ percent of the present retail selling price of the same or a similar article.

ARTICLES SELLING AT \$2.00 OR MORE MUST HAVE PRICE TAGS

SALES SLIPS WILL BE GIVEN TO ANY CUSTOMER UPON REQUEST

**SEC. 14. Tagging.** If you are a retailer, you must tag or label every article covered by this regulation with the actual selling price in plain dollars-and-cents figures, except that if the selling price is less than \$2.00 a tag is not required. In addition to the selling price, the tag must show the class (Class I or Class II). This tag or label must not be removed except by the person to whom you sell the article. The price written on the tag or label must be the one set by this regulation or a lower price. Any goods priced and tagged under the provisions of this regulation, before the effective date, are covered by this regulation.

**SEC. 15. Sales slips or receipts.** If you have customarily given a customer a sales slip, receipt, or similar evidence of

purchase you shall continue to do so. Upon request, regardless of previous custom, you shall give a receipt showing the date, your name and address, a list of the articles bought and the prices paid, kind and amount of any additional charges, and the name and address of the customer.

**SEC. 16. Petitions for amendment.** You may seek a change in this Maximum Price Regulation No. 429 or any exception to its terms by filing a petition for amendment in accordance with the rules outlined in Revised Procedural Regulation No. 1<sup>3</sup> issued by the Office of Price Administration.

**SEC. 17. Geographical coverage of this regulation.** The provisions of this regulation apply to the forty-eight states, the District of Columbia and the territories and possessions of the United States. It becomes effective in the territories and possessions 45 days after its effective date in continental United States.

#### Effective Date

The regulation shall become effective<sup>4</sup> September 1, 1943. [Originally issued July 15, 1943]

**NOTE:** The reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

This compilation is issued this 25th day of January, 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1319; Filed, January 25, 1944; 4:04 p. m.]

#### PART 1377—WOODEN CONTAINERS

[Rev. MPR 434]

##### USED FRUIT AND VEGETABLE CONTAINERS

Maximum Price Regulation No. 434—Used Fruit and Vegetable Containers<sup>1</sup>—is redesignated Revised Maximum Price Regulation No. 434 and is amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.\*

§ 1377.302 *Maximum prices for used fruit and vegetable containers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 10086, 11382, 12477.

<sup>2</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11800.

Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 434 (Used Fruit and Vegetable Containers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION No. 434—  
USED FRUIT AND VEGETABLE CONTAINERS

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Prohibition against dealing in used fruit and vegetable containers and parts thereof at prices above the maximum.
2. To what products, transactions and persons this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum prices.
4. Containers and parts not specifically priced.
5. Additions for delivery.
6. What the invoice must contain.
7. Prohibited practices.

ARTICLE III—MISCELLANEOUS

8. Definitions.
9. Adjustable pricing.
10. Applications for adjustment and petitions for amendment.
11. Records and reports.
12. Enforcement.
13. Licenses.
14. Registration.
15. Relation to other regulations.

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

SECTION 1. *Prohibition against dealing in used fruit and vegetable containers and parts thereof at prices above the maximum.* On and after January 31, 1944, regardless of any contract or other obligation, no person, other than a "farmers' cooperative" may sell or deliver, and no person may buy or receive any used fruit and vegetable containers or their component parts at prices higher than those contained in this regulation. No person shall agree, offer or attempt to do these things.

Prices less than the maximum prices established by this regulation may, of course, be charged and paid.

The provisions of this regulation shall not be applicable to sales or deliveries which, prior to the effective date of this regulation, have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

SEC. 2. *To what products, transactions and persons this regulation applies—(a) Products covered.* This regulation, under the term "used fruit and vegetable containers" covers all used containers and component parts made of wood, solid fiber, or corrugated board or a combination of any of these materials used for packaging, handling, storing or shipping fresh fruits and vegetables. This regulation does not cover cooperage products and veneer or plywood drums.

(b) *Transactions covered.* This regulation covers all sales and purchases of used fruit and vegetable containers within the continental limits of the United States; except that sales to members by "farmers' cooperatives," as herein

defined are specifically exempt from the coverage of the regulation.

(c) *Persons covered.* This regulation extends to any person except a "farmers' cooperative," who makes a sale and any person who makes a purchase which is covered by the regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum prices.* The maximum prices, f. o. b. the seller's loading point, for used fruit and vegetable containers and parts are listed in the price tables below:

TABLE I—BASKETS, HAMPERS, COVERS

ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH, AND WASHINGTON

Container description	Units	Empty—unselected and unconditioned	Accumulator—unselected and unconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
1 bu. expert tubs (solid bottom)—with crown or rimmed covers.	Each	Cents 8	Cents 11	Cents 17	Cents
1 bu.—3 hoop—flat bottom or improved baskets—with covers.	Each	7	10	16	
1 bu.—2 hoop—round bottom baskets—with flat or rimless covers.	Each	5	8	13	
1 bu.—baskets—all types—unselected—with covers.	Each	6	9½		
1 bu.—baskets—all types—unselected—no covers.	Each	4	6½		3½
¾ bu. expert tubs (solid bottom)—with crown or rimmed covers.	Each	5	8	13	
¾ bu. C. S. baskets—with covers.	Each	4	7	12	
¾ bu. baskets—all types—unselected—with covers.	Each	4½	7½		
¾ bu. baskets—all types—unselected—no covers.	Each	3	5		2½
1 bu. and ¾ bu. covers—with rims.	Each	2	3	4	
1 bu. and ¾ bu. covers—flat or rimless.	Each	1½	2½	3	
8-12-16 qt. solid fibre—tomato baskets—with handles and covers.	Dozen	12	24	43	
1 qt. and 1 pt. berry cups.	Hundred	20	23	43	
1 qt. till baskets.	Dozen	4	6	9	
2 qt. till baskets.	Dozen	6	8	11	
3 qt. till baskets.	Dozen	7	9	12	
4 qt. till baskets.	Dozen	8	10	13	
1½ bu. cabbage hampers—with covers.	Each	6	9	15	
1½ bu. hampers—with covers.	Each	6	9	15	
1 bu. bean or potato hampers—with covers.	Each	5	8	14	
¾ bu. hampers—no covers.	Each	4	6	10	
¾ bu. hampers—no covers.	Each	3	5	8	
All hampers—without covers.	Each				3½
1½ bu. and 1 bu. hamper covers—flat or rimless.	Each	1½	2½	3	
4 qt. climax baskets—with handles and covers.	Dozen	15	21	42	
4 qt. climax covers—only.	Dozen	3	4	6	
12 qt. climax baskets—with handles and covers.	Dozen	20	24	50	
12 qt. climax covers—only.	Dozen	9	12	15	
8 and 12 qt. splint or slab market baskets.	Dozen	24	36	50	
16 and 24 qt. splint or slab market baskets.	Dozen	25	43	72	
32 qt. splint or slab market baskets.	Dozen	45	66	69	

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE II—NAIL TYPE CRATES, COVERS, CORRUGATED OR SOLID FIBRE BOXES  
ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON

Container description	Units	Empty—unselected and unconditioned	Accumulator—unselected and unconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
1½ bu. and 1½ bu. citrus crates—no covers.	Each	Cents 5	Cents 9	Cents 17	Cents
Standard lemon crates—no covers.	Each	5	9	17	
1 bu. to 1½ bu. standard apple boxes—no covers.	Each	7	11	17	
Corrugated or solid fibre apple boxes.	Each	3	7	12	
Standard celery crates—16" to 22"—no covers.	Each	5	9	16	
Western (L. A.) lettuce crates—no covers.	Each	5	9	16	
Standard and jumbo cantaloupe crates—no covers.	Each	5	9	16	
Standard cauliflower crates—no covers.	Each	5	9	16	
1½ bu. standard pepper crates—no covers.	Each	5	9	16	
1 bu. New England market boxes—no covers.	Each	7	10	16	
¾ bu. New England market boxes—no covers.	Each	6	7	10	
32 qt. hinged cover berry crates—no cups or dividers.	Each	17	22	29	
24 qt. hinged cover berry crates—no cups or dividers.	Each	15	20	27	
16 qt. hinged cover berry crates—no cups or dividers.	Each	13	18	25	
30 pt. hinged cover berry crates—no cups or dividers.	Each	14	19	26	
30 pt. hinged cover berry crates—no cups or dividers.	Each	13	18	25	
24 qt. folding type berry crates—no cups or dividers.	Each	12	17	24	
All other berry crates not specifically priced—no covers, cups or dividers.	Each	4	8	14	
Berry crate dividers.	Each	1	1½	2	
¾ bu. tangerine crates—no covers.	Each	4	8	14	
¾ size lemon crates—no covers.	Each	4	8	14	
Lettuce crates (2-deck size)—no covers.	Each	4	8	14	
¾ size (L. A.) lettuce crates—no covers.	Each	4	8	14	

TABLE II—NAIL TYPE CRATES, COVERS, CORRUGATED OR SOLID FIBRE BOXES—Continued  
ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON—CON.

Container description	Units	Emptier—unselected and un-reconditioned	Accumulator—unselected and un-reconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
		Cents	Cents	Cents	Cents
Lug boxes—no covers.....	Each.....	4	8	14	-----
Western standard pear boxes—no covers.....	Each.....	4	8	14	-----
Asparagus crates—no covers.....	Each.....	4	8	14	-----
1 bu. vegetable crates—no covers.....	Each.....	4	8	14	-----
1 bu. potato crates—no covers.....	Each.....	4	8	14	-----
Pony cantaloupe crates—no covers.....	Each.....	4	8	14	-----
Pony cauliflower crates—no covers.....	Each.....	4	8	14	-----
1 bu. peach crates—no covers.....	Each.....	4	8	14	-----
New England type lettuce crates—no covers.....	Each.....	4	8	14	-----
6 and 8 basket carrier crates—no covers or tills.....	Each.....	4	8	14	-----
8 qt. corrugated or solid fibre tomato lugs.....	Each.....	2	3	5	-----
All covers for above crates.....	Each.....	1	1½	2	-----
All single slats for above crates.....	Each.....	½	½	½	-----

NOTE. An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE III—WIREBOUND BOXES  
ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON

Container description	Units	Emptier—unselected and un-reconditioned	Accumulator—unselected and un-reconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
		Cents	Cents	Cents	Cents
1½ bu. bruce citrus boxes—made up.....	Each.....	6	9	14	5
1½ bu. bruce citrus boxes—K. D. (flat).....	Each.....	8	11	17	-----
¾ bu. bruce citrus boxes—made up.....	Each.....	4	7	12	5
¾ bu. bruce citrus boxes—K. D. (flat).....	Each.....	6	9	15	-----
Howard celery crates—made up.....	Each.....	5	8	13	5
Howard celery crates—K. D. (flat).....	Each.....	7	10	16	-----
24 pt. berry crates—made up—no cups or dividers.....	Each.....	4	7	12	-----
24 pt. berry crates—K. D. (flat)—no cups or dividers.....	Each.....	6	9	15	-----
1 bu. James sweet potato crates—made up.....	Each.....	4	7	12	-----

NOTE.—An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE IV—ALL USED FRUIT AND VEGETABLE CONTAINERS  
THE STATES OF ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON

Container description	Units	Emptier—unselected and un-reconditioned	Accumulator—unselected and un-reconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
		Cents	Cents	Cents	Cents
L. A. lettuce crates—no covers.....	Each.....	6	11	18	-----
Pea crates—no covers.....	Each.....	6	11	18	-----
1½ bu. standard citrus crates—no covers.....	Each.....	5	8	15	-----
Standard lemon crates—no covers.....	Each.....	5	8	15	-----
California and Northwest apple boxes—no covers.....	Each.....	4	7	12	-----
1½ bu. pepper crates—no covers.....	Each.....	4	7	12	-----
Cauliflower crates—no covers.....	Each.....	4	7	12	-----
Artichoke crates—no covers.....	Each.....	4	6	11	-----
Standard cantaloupe crates—no covers.....	Each.....	4	6	11	-----
Celery crates—no covers.....	Each.....	4	6	11	-----
Potato crates—no covers.....	Each.....	4	6	11	-----
Pear crates—no covers.....	Each.....	4	6	11	-----
Peach crates—no covers.....	Each.....	4	6	11	-----
Carrot crates—no covers.....	Each.....	4	6	11	-----
Tomato lugs—no covers.....	Each.....	4	6	9	-----
Cucumber crates—no covers.....	Each.....	4	6	9	-----
L. A. lugs—no covers.....	Each.....	4	6	9	-----
4 basket crates—no covers.....	Each.....	2	3	6	-----
Avocado—apricot—egg plant lugs—no covers.....	Each.....	2	3	6	-----
Covers for all above crates.....	Each.....	1	1½	2	-----
All single slats for above crates.....	Each.....	½	½	½	-----
1-bu. baskets—no covers.....	Each.....	4	6½	12	3
¾-bu. baskets—no covers.....	Each.....	3	5	9	2
1-bu. and ¾-bu. basket covers only.....	Each.....	1½	2	3	-----
Howard wirebound celery crates—made up.....	Each.....	4	7	12	4
Howard wirebound celery crates—K. D. (flat).....	Each.....	6	9	15	-----
Wirebound pea crates—made up.....	Each.....	4	7	12	4
Wirebound pea crates—K. D. (flat).....	Each.....	6	9	15	-----
Wirebound celery crates—½ size—made up.....	Each.....	4	7	12	4
Wirebound celery crates—½ size—K. D. (flat).....	Each.....	6	9	15	-----

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE V—ALL USED FRUIT AND VEGETABLE CONTAINERS

ARMY INSTALLATIONS AND NAVAL ACTIVITIES—ALL STATES

Container description	Units	Unselected and un-reconditioned
		Cents
1 bu. baskets—unassorted—no covers.....	Each.....	6½
½ bu. baskets—unassorted—no covers.....	Each.....	5
½ bu. to 1½ bu. hampers—no covers.....	Each.....	6
All basket and hamper covers.....	Each.....	2½
4 qt. climax baskets—with handles—no covers.....	Dozen.....	17
4 qt. climax basket covers only.....	Dozen.....	4
12 qt. climax baskets—with handles—no covers.....	Dozen.....	42
12 qt. climax baskets covers only.....	Dozen.....	12
1 qt. and 1 pt. berry cups.....	Hundred.....	35
All hinged cover berry crates—no cups or dividers.....	Each.....	10
Berry crate dividers.....	Each.....	1½
All nail type crates—no covers.....	Each.....	9
Covers for above crates.....	Each.....	1½
All wirebound crates—made up.....	Each.....	8

SEC. 4. Containers and parts not specifically priced. Used fruit and vegetable containers and parts not specifically priced in this regulation are nevertheless subject to its terms. Any person desiring to buy or sell used fruit and vegetable containers not specifically priced herein shall make application to the Office of Price Administration, Washington, D. C., for approval of a price. The application shall contain a complete description of the container to be priced; the type of purchase or sale, that is, whether by an emptier, accumulator, dealer or the Army or Navy, and the requested price. The applicant may use the requested price, subject to adjustment upon the action of the Office of Price Administration, pending approval of the price. Approval may be by letter or telegram, and any requested price not disapproved within 15 days from receipt of application for approval shall be automatically approved until revoked or amended by the Office of Price Administration.

SEC. 5. Additions for delivery. On shipments by common or contract carriers the actual cost of transportation paid or incurred by the seller may be added to the maximum price, f. o. b. seller's loading plant. If shipment is by private truck owned or controlled by the seller, actual transportation costs may be added; except that in no case shall the addition exceed 80 percent of the common carrier truck charges for the same shipment.

SEC. 6. What the invoice must contain. All invoices must contain a sufficiently complete description of the containers or parts to show whether the price is proper or not. They must also show the name and address of the seller, the name and address of the purchaser, the quantity of each particular container, the origin and destination of the shipment, and any addition to the maximum price for delivery. In sales by dealers the invoice must also show the registration number of the dealer.

SEC. 7. Prohibited practices. Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regu-

lation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices, and the like.

#### ARTICLE III—MISCELLANEOUS

**SEC. 8. Definitions.**—(a) *Emptier.* An "emptier," as referred to in this regulation, is any person who acquires for use or sale fruit or vegetables in containers and after removing the contents, sells the containers. Included in the term are grocery stores, canneries, restaurants, hotels, markets, institutions, etc. Specifically excluded are army and navy posts.

(b) *Accumulator.* An "accumulator," as referred to in this regulation, is any person who collects used fruit and vegetable containers or parts from emptiers for resale to dealers, growers, shippers, etc. Included in the term are salvage warehouses (chain), commission merchants, peddlers, junkies, or open lot dealers.

(c) *Dealer.* A "dealer," as referred to in this regulation, is any person who buys and sells used fruit and vegetable containers and maintains from season to season enclosed storage space and facilities for selecting and/or reconditioning such containers.

(d) *Farmers' cooperative.* A "farmers' cooperative" as referred to in this regulation is any organization or association approved by the Farm Credit Administration and engaged in selling used fruit and vegetable containers or parts.

(e) *Reconditioned or selected containers.* A "reconditioned or selected container," as referred to in this regulation, is any used fruit or vegetable container which has no broken or missing parts and which has utility equal to that of a new container.

**SEC. 9. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**SEC. 10. Applications for adjustment and petitions for amendment.**—(a) *Gov-*

*ernment contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatens distribution of used fruit and vegetable containers which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,<sup>2</sup> issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>3</sup> issued by the Office of Price Administration.

**SEC. 11. Records and reports.** All persons making sales covered by this regulation which amount to \$50.00 or more in any one month must keep records which will show a complete description of the containers sold, the quantity, price, date of sale and the name and address of the buyer. Buyers must keep similar records including the name and address of the seller.

These records must be kept for two years for inspection by the Office of Price Administration.

**SEC. 12. Enforcement.** (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Sales and purchases by such agencies are nevertheless subject to the terms of the regulation.

**SEC. 13. Licenses.** The provisions of Licensing Order No. 1,<sup>4</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 14. Registration.** Persons desiring to sell as dealers any of the products covered by this regulation must register with the Lumber Branch, Office of Price Administration, Washington, D. C. with-

in 30 days after becoming subject to the regulation. Registration shall be accomplished by filing with the Office of Price Administration a statement of the applicant's qualifications as a dealer as defined in the regulation, a description of his warehousing and reconditioning facilities and the type of containers which he buys and sells.

The Office of Price Administration will issue to each person who registers in accordance with this section a registration certificate which shall be posted at all times in a conspicuous place in the registrant's place of business.

Persons who have previously filed their qualifications as dealers under Maximum Price Regulation No. 434 and received approval from this Office need not register under this section.

**SEC. 15. Relation to other regulations.**—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation.<sup>5</sup>

(b) *Second Revised Maximum Export Regulation.* The maximum price for export sales of used fruit and vegetable containers is governed by the Second Revised Maximum Export Regulation.<sup>6</sup>

This regulation shall become effective January 31, 1944.

**NOTE:** All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1320; Filed, January 25, 1944;  
4:03 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25;  
Amdt. 21]

WILLIAMSPORT, PA.

In § 1388.1201 of Designation and Rent Declaration 25, item 186 (Williamsport) is amended to read as follows:

(189) Williamsport, Pennsylvania: Counties of Clinton, Columbia, Lycoming, Montour, Northumberland, Snyder, and Union, and in the County of Luzerne, Nesquehannock Borough, Nesquehannock Township, and Salem Township.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1069; Filed, January 20, 1944;  
11:54 a. m.]

<sup>2</sup> 7 F.R. 3195, 3632, 4179, 5312, 6369, 7245, 8350, 8507, 8954, 10031; 8 F.R. 121, 1223, 4779, 5738, 8021, 10738, 12094, 13919, 14763, 15591, 16203, 17297.

<sup>4</sup> 8 F.R. 13240.

<sup>5</sup> 8 F.R. 3036, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6362, 8511, 8025, 9391, 11955, 13724.

<sup>6</sup> 8 F.R. 4132, 5337, 7652, 8993.

<sup>2</sup> 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

<sup>3</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.



## PART 1388—DEFENSE RENTAL AREAS

[Designation and Rent Regulation 31,<sup>1</sup>  
Amdt. 15]

In § 1388.1341 of Designation and Rent Declaration 31, items (12), (29), (34), and (38) are amended and items (76), (77), (78), (79), and (80) are added to read as follows:

(12) Kansas, Kansas: That portion of the State of Kansas not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Barton, Finney, Ford, Gray, and Reno.

(29) North Carolina, North Carolina: That portion of the State of North Carolina not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Alamance, Buncombe, Chowan, Edgecombe, Moore, Nash, and Perquimans.

(34) Pennsylvania, Pennsylvania: That portion of the State of Pennsylvania not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Clinton and Elk.

(38) Texas, Texas: That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Bee, Brazos, Brewster, Denton, Kinney, Kleberg, Lampasas, McCulloch, Nolan, Smith, Uvalde, Val Verde, and Webb, and Justices' Precincts 1, 6, and 7 in the County of Caldwell.

(76) Great Bend, Kansas: County of Barton.

(77) Asheville, North Carolina: County of Buncombe.

(78) Rocky Mount, North Carolina: Counties of Edgecombe and Nash.

(79) Lockhart, Texas: Justices' Precincts 1, 6, and 7 in the County of Caldwell.

(80) Sweetwater, Texas: County of Nolan.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1088; Filed, January 20, 1944;  
11:54 a. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing,<sup>2</sup> Amdt. 10]

Items (116a), (212b), (221a), (321a) and (329a) are added to Schedule A of the Rent Regulation for Housing and item (272) in the said Schedule A is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(116a) Great Bend.....	Kansas.....	Barton.....	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(212b) Asheville.....	North Carolina.....	Buncombe.....	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221a) Rocky Mount.....	North Carolina.....	Edgecombe and Nash.....	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
272) Williamsport.....	Pennsylvania.....	Lycoming.....	Mar. 1, 1942	Nov. 1, 1942	Dec. 10, 1942
	Pennsylvania.....	Columbia, Montour, Northumberland, Snyder, and Union.....	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania.....	In the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.....	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(321a) Lockhart.....	Pennsylvania.....	Clinton.....	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
(329a) Sweetwater.....	Texas.....	Justices' Precincts 1, 6, and 7 in Caldwell County.....	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
	Texas.....	Nolan.....	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944

This amendment shall become effective February 1, 1944. This amendment shall not release or extinguish any penalty, duty or liability incurred under the Rent Regulation for Housing.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1060; Filed, January 20, 1944;  
11:50 a. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,<sup>3</sup> Amdt. 99]

## MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

1. Section 1394.7904 (e) is added to read as follows:

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 7942, 8 F.R. 122, 1229, 1749, 4779, 5738, 5739, 10739, 12099, 12624, 13920, 14012, 14687, 15581, 16209.

<sup>2</sup> 8 F.R. 14663, 14815, 15585, 16032, 16208, 16427, 17297, 9 F.R. 206.

<sup>3</sup> 8 F.R. 15937.

(e) Any consumer in the States of Georgia and Florida who holds a valid non-highway ration in the form of Class R coupons may, at any time, surrender such coupons to the issuing Board or, upon good cause shown, to any Board and obtain in exchange Class E coupons of equivalent gallonage value.

2. Section 1394.8153 (b) (4) is added to read as follows:

(4) In the States of Georgia and Florida no transfer in exchange for Class R coupons may be made by any dealer or by any licensed distributor from his retail facility, unless the transferor transports such gasoline from his place of business to some place of delivery selected by the transferee by means of delivery facilities, such as a tank truck, tank wagon, or portable drums, which he maintains and regularly uses for the purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, or unless transfers are made from such place of business directly into the fuel tanks of motorboats.

3. Section 1394.8215 (f) is added to read as follows:

(f) (1) Immediately upon the close of business on January 31, 1944 each dealer in the States of Georgia and Florida who has in his possession or control Class R coupons shall attach such coupons to separate gummed sheets (Form OPA R-120), unless such dealer maintains, at the place of business at which coupons are held, delivery facilities, such as a tank truck, tank wagon or portable drums, which he regularly uses for the

purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, or unless transfers are made from such place of business directly into the fuel tanks of motorboats. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before February 10, 1944, each such dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located, in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) Each licensed distributor in the States of Georgia and Florida shall, on or before February 10, 1944, deposit in his ration bank account all Class R coupons which are in his possession or control on February 1, 1944, at any place of business at which he does not maintain delivery facilities, such as a tank truck, tank wagon or portable drums, which he regularly uses for the purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, and which, under the terms of § 1394.7551 (a) (56) are deemed to be a part of his facilities, unless transfers are made from such place of business directly into the fuel tanks of motorboats.

This amendment shall become effective 1st day of February 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been



approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 20th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1067; Filed, January 20, 1944;  
11:54 a. m.]

#### PART 1305—ADMINISTRATION

[Supp. Order 83]

#### PROVISIONS DEALING WITH FILING OF APPLICATION FOR ADJUSTMENT RELATING TO LUMBER AND FOREST PRODUCTS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is hereby ordered, that:

§ 1305.110 *Amendment of provisions covering applications for adjustment under Procedural Regulation No. 6, appearing in certain maximum price regulations relating to lumber and forest products.* (a) In each of the maximum price regulations listed in paragraph (b) of this order, the language appearing in the indicated paragraph is deleted and the following is substituted—"See Procedural Regulation No. 6<sup>1</sup> for adjustment provisions on certain government contracts or subcontracts".

(b) The maximum price regulations and revised maximum price regulations and the respective paragraphs thereof amended by this order are as follows:

Regulation:	Section and paragraph
13	10 (a)
19	16 (a)
26	19 (a)
94	1381.508 (a)
97	1382.107 (a)
109	1312.353 (a)
117	9 (a)
161	1381.161 (a)
186	1377.105 (a)
195	1377.161 (a)
196	1384.65 (a)
215	20 (a)
216	12 (a)
219	18 (a)
222	14 (a)
223	1382.158 (a)
253	1381.407 (a)
281	1382.207 (a)
284	12 (a)
290	1381.458 (a)
293	13 (a)

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F. R. 5087, 5664; 8 F. R. 6173, 6174, 12024.

Regulation:	Section and paragraph
313	1382.253 (a)
320	1377.211 (a)
338	8 (a)
342	7 (a)
348	8 (a)
368	18 (a)
381	8 (a)
402	17 (a)
412	17 (a)
424	12 (a)
432	7 (a)
434	10 (a)
454	8 (a)
458	7 (a)
467	13 (a)
481	10 (a)
483	6 (a)
485	8 (a)
491	13 (a)
501	8 (a)

This supplementary order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1358; Filed, January 26, 1944;  
11:39 a. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 435,<sup>1</sup> Amdt. 3]

##### NEW BICYCLE TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 435 is amended in the following respects:

1. Section 3 (c) (4) is added to read as follows:

(4) Any sale of imported bicycle tires and tubes of brands not specifically listed in any appendix to this regulation.

2. Section 8a is added to read as follows:

SEC. 8. *Applications for adjustment.* (a) A manufacturer who is an essential producer of new bicycle tires or tubes and whose maximum prices established by this regulation will impede or threaten to impede his production of such commodities may file an application for adjustment of his maximum prices.

(b) For the purposes of this section, a manufacturer is an essential producer if:

(1) His supply of new bicycle tires or tubes is required to meet military or essential civilian needs; or

<sup>1</sup> 8 F. R. 10419, 12444, 15605.

(2) The loss of his supply will force his customers to resort to higher priced sources of supply, and no adequate substitutes for his tires or tubes are available to his customers at prices equal to or lower than the adjusted maximum prices which he requests.

(c) The relief granted under this section shall be limited to the amount necessary to permit the manufacturer to supply new bicycle tires or tubes: *Provided, however,* That where application is filed under paragraph (b) (2) above, the manufacturer's maximum prices will not be raised above the general level of prices prevailing for alternative sources of supply.

(d) Applications for adjustment under this section shall be filed with the Office of Price Administration, Washington, D. C., in the manner provided in Revised Procedural Regulation No. 1.<sup>2</sup>

This amendment shall become effective February 1, 1944.

NOTE: The reporting requirement of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1359; Filed, January 26, 1944;  
11:40 a. m.]

#### PART 1340—FUEL

[MPR 120,<sup>1</sup> Amdt. 81]

##### BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.220 is amended to read as follows:

§ 1340.220 *Appendix I: Maximum prices for bituminous coal produced in District No. 9.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices for shipment to all destinations, for all uses (including railroad fuel) and by all methods of transportation, except by truck or wagon.*

<sup>1</sup> 8 F. R. 14,550, 15,256, 15,455.

<sup>2</sup> 7 F. R. 6361; 8 F. R. 3313, 3533, 6173, 11803.

General description	Group Nos.	Coals produced at any and all mines from the following seams:		
		14th and stray seams (maximum price group No. 1)	6th seam (maximum price group No. 2)	9th, 11th and all other seams (maximum price group No. 3)
Lump and egg.....	1 to 6, incl.....	245	270	220
Mine run.....	7.....	225	225	210
Stove, nut and pea:				
Raw.....	8 to 12, incl.....	220	310	200
Washed or air-cleaned.....	17 to 22, incl.....	220		230
Screenings:				
Raw.....	13 and 14.....	185	245	175
Washed or air-cleaned.....	23 and 24.....	200		230
Dry dedusted.....	26 to 29, incl.....	190	280	180
Carbon and dust:				
Raw.....	15 and 16.....	125	140	125
Washed or air-cleaned.....	25.....	175		165

Specific description of size group numbers referred to in this paragraph (1).

#### Size Group Nos., and Description

1 to 6, incl.—All single-screened lump coals and all double-screened raw, washed or air-cleaned egg coals, top size larger than 2".

7—Straight mine run—no fines removed. Mine run, modified by the removal of any intermediate size or sizes—no fines removed. All mine run resultants larger than 2"—no fines removed.

8 to 12, incl.—All double-screened raw or washed stove coals, top size larger than 1½" but not exceeding 2" and bottom size larger than ¾". All raw double-screened nut, stoker and pea top size not exceeding 2" and bottom size larger than 10 mesh or ¾".

13 and 14—All raw screening larger than ¾"x0, but not exceeding 2"x0.

15 and 16—All raw screenings (carbon and dust) top size not exceeding ¾".

17 to 22, incl.—All washed or air-cleaned, double screened nut, stoker and pea top size not exceeding 2"; dedusted washed screenings bottom size larger than 1 millimeter and top size not exceeding 2".

23 and 24—All washed or air-cleaned screenings larger than ¾"x0 but not exceeding 2"x0.

25—All washed or air-cleaned screenings (carbon and dust) top size not exceeding ¾".

26 to 29, incl.—All dry dedusted screenings (including carbon) top size not exceeding 2".

(2) *Maximum prices for shipment by truck or wagon to all destinations for all uses.*

Coals produced at any and all mines from all seams

Description:	
All single-screened lump coals, bottom size larger than 1½" and all double-screened raw, washed or air cleaned coals, bottom size larger than 1½".....	280
All single-screened lump coals, bottom size 1½" and smaller, and all double screened coals, bottom size 1½" and smaller.....	245
Mine run, modified mine run and mine run resultants larger than 2".....	235
Screenings, top size not exceeding 2".....	200

(3) A charge of no more than 10 cents per net ton may be made for a chemical, oil or waxing treatment to allay dust or to prevent freezing.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1360; Filed, January 26, 1944; 11:40 a. m.]

#### PART 1389—APPAREL

[Rev. MPR 287, 1 Amdt. 2]

#### MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

RMPPR 287 is amended in the following respects:

1. Section 3 is amended to read as follows:

Sec. 3. *Spring Pricing Chart.* If you have been pricing under Rules 1, 2, 5 or 7 of MPR 287, the pricing chart you filed pursuant to § 1389.353 (a), together with any supplement filed pursuant to Rule 11 (§ 1389.356a (c)), is now called your "Spring Pricing Chart" and is to be used throughout the year. (If you were authorized to establish ceiling prices under Rule 6 or Rule 9 of MPR 287, your Spring Pricing Chart is the OPA order of authorization, except that you may not price under Rule 3 garments in category numbers not listed in your order of authorization. Before you may deliver any such garments you must apply for authorization to establish prices under section 12 (d).)

2. Section 5 (c) is amended to read as follows:

(c) *Manufacturers who made no deliveries during the period between July 1 and October 1, 1942, but did deliver garments during March, April, May or*

\*Copies may be obtained from the Office of Price Administration.

8 F.R. 9122, 10001, 10304.

June 1942, or priced under Rules 5, 6 or 9 of MPR 287. If you made no deliveries during the period between July 1 and October 1, 1942 of garments covered by MPR 287, but did deliver such garments during March, April, May or June 1942 or priced under Rules 5, 6 or 9 of MPR 287, you may apply for authorization to establish higher fall selling price lines to the field office of the Office of Price Administration which issued the original order of authorization under Rule 6 or 9, or where you filed your original Spring Pricing Chart. There copies of this application should be filed, setting forth the following:

(1) Your name and address;

(2) Category numbers of garments for which you wish to establish higher fall selling price lines;

(3) Highest fall selling price lines desired for garments in each category number listed in (2). (Except in the case of applicants who operated under Rule 5 of MPR 287, these price lines may not be higher than those listed in Appendix E (section 31));

(4) A list of the names and addresses of your five closest competitors unless you have been pricing under Rule 6 or Rule 9 of MPR 287 and have already filed such a list;

(5) The pricing rule of MPR 287 under which you priced prior to June 29, 1943.

3. Section 10 is amended to read as follows:

Sec. 10. *Pricing rules—(a) Rule 1: Sales at selling price lines listed on the pricing chart in effect on the date of delivery.* A manufacturer may sell garments in any selling price line listed on his pricing chart for garments of the same category number.

Garments of a category number and in a selling price line listed on a manufacturer's pricing chart must contain a direct cost no less than the minimum allowable cost for that category number and selling price line.

For example, if a manufacturer's minimum allowable cost for his \$4.75 selling price line in Category No. 22 is \$3.60, then every garment in Category No. 22 sold in a \$4.75 selling price line must contain a direct cost of \$3.60 or more.

However, a garment which contains the minimum allowable cost may be sold at a lower price than the selling price line.

For example, this same manufacturer may sell a garment in Category No. 22 which contains a direct cost of \$3.60 or more at \$4.50 or at any other price lower than \$4.75. Customary discounts, allowances and trade differentials may not be changed, however, if the change would result in a higher net price.

(b) *Rule 2: Sales at selling price lines different from those listed on the pricing chart.* A manufacturer may, at his option, sell a garment in a selling price line different from those listed on his pricing chart: *Provided,* The garment contains the minimum allowable cost for the selling price line: *And provided also,* That the selling price line is not higher than the highest selling price line listed on his pricing chart in effect on the date

of delivery for a garment of the same category number or in Appendix G (section 33), whichever is higher. The maximum allowable margin for the optional selling price line is the maximum allowable margin listed on the pricing chart for a garment of the same category number in either the next higher or the next lower selling price line, whichever margin is lower. (The maximum allowable margin for a selling price line higher than the highest listed on the pricing chart for a garment of the same category number, but equal to or lower than that listed in Appendix G (section 33) is the maximum allowable margin listed on the pricing chart for the highest selling price line in that category number.) The minimum allowable cost is calculated by multiplying the optional selling price line by the lower maximum allowable margin thus selected and subtracting the result from the optional selling price line.

For example, a manufacturer's Fall Pricing Chart contains selling price lines for misses' coats (Category No. 2) of \$16.75 and \$18.75, having maximum allowable margins of 32% and 36% respectively. If, in October, he chooses to sell misses' coats at \$17.50, he calculates his maximum allowable margin for these \$17.50 coats by taking the lower of the maximum allowable margins listed on his Fall Pricing Chart for his \$16.75 and \$18.75 selling price lines. The maximum allowable margin on his \$17.50 coats is, therefore, 32%; and the minimum allowable cost for such coats is  $\$11.90$  ( $\$17.50 \times 32\% = \$5.60$ ;  $\$17.50 - \$5.60 = \$11.90$ ).

If the manufacturer selects a selling price line lower than the lowest selling price line listed on his Spring Pricing Chart for a garment of the same category number, he must use, as his maximum allowable margin, the maximum allowable margin of that lowest selling price line.

For example, a manufacturer wants to sell misses' dresses (Category No. 22) at \$2.75. The lowest selling price line for misses' dresses listed on his Spring Pricing Chart is \$3.75, and the maximum allowable margin for \$3.75 dresses is 20%. Misses' dresses which he now sells at \$2.75 must contain a minimum allowable cost of \$2.20. ( $\$2.75 \times 20\% = \$0.55$ ;  $\$2.75 - \$0.55 = \$2.20$ .)

(c) **Rule 3: Pricing garments of a category number not listed in the pricing chart in effect on the date of delivery.** A manufacturer who wishes to sell garments of a different category number from those listed on his pricing chart in effect on the date of delivery must price by this rule.

He finds the highest selling price line in which he may sell garments of a new category number by referring to the instructions in Appendix E (section 31). He may then sell garments in the new category number at any selling price line equal to or lower than the highest selling price line so found, or at the selling price line listed in Appendix G (section 33) for garments of the same category number, whichever is higher. He fixes maximum prices for the garments by taking a margin over direct cost no higher than the average of the maximum allowable margins for every selling price line in every category number listed on his Spring Pricing Chart. (The average of the maximum allowable margins is determined by finding the total of all the

maximum allowable margins for all selling price lines listed on the Spring Pricing Chart and dividing the total by the number of selling price lines.)

For example, (a) A manufacturer listed on his Spring Pricing Chart 6 selling price lines, 3 for women's dresses (Category No. 21) having maximum allowable margins of 35%, 32%, and 41%, and 3 for misses' dresses (Category No. 22) having maximum allowable margins of 44%, 37%, and 30%. His maximum allowable margin for garments in a new category number is 36.5%. This is calculated by adding together all the maximum allowable margins on his Spring Pricing Chart ( $35\% + 32\% + 41\% + 44\% + 37\% + 30\% = 219\%$ ) and dividing the sum by 6 ( $219\% \div 6 = 36.5\%$ ).

(b) If the selling price lines listed by the manufacturer in the above example were \$7.75, \$6.75 and \$4.75 for women's dresses, and \$6.75, \$5.75 and \$4.75 for misses' dresses, and he now wishes to make women's coats (Category No. 1), the Table in Appendix E indicates that he would use Group I. He could then sell women's coats in a \$16.75 selling price line. Thus, his minimum allowable cost in that selling price line would be \$10.64. This is calculated by taking a maximum allowable margin of 36½% on the \$16.75 selling price line ( $\$16.75 \times .365 = \$6.11$ ;  $\$16.75 - \$6.11 = \$10.64$ ). He may also sell women's coats at any price lower than \$16.75.

4. Section 11 is amended to read as follows:

**Sec. 11. Special provisions for manufacturing-retailers.** A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells substantially all of the garments that he manufactures to ultimate consumers. Manufacturing-retailers must prepare special pricing charts for garments which they sell to ultimate consumers. These charts should include only garments which were delivered to ultimate consumers during the base period. (If other garments were delivered, they are the basis of pricing charts which must be used for sales to persons who are not ultimate consumers.)

In preparing special pricing charts for garments which are sold to ultimate consumers, manufacturing-retailers calculate their maximum allowable margins as follows:

(a) If the average initial percentage margin for a selling price line is 30% or less, the average initial percentage margin is also the maximum allowable margin.

(b) If the average initial percentage margin is higher than 30%, the maximum allowable margin is 97% of the average initial percentage margin or 30%, whichever is higher.

No retail establishment maintained by a manufacturing-retailer may sell any garment manufactured by him at a selling price line higher than (1) the selling price line listed for that category number in Appendix G (b) (section 33 (b)), or (2) the highest selling price at which that retail establishment during the appropriate base period under this regulation, delivered a garment of the same category number manufactured by the manufacturing-retailer, or (3) the highest selling price at which that retail establishment may deliver a garment of the same category number under Rules 1, 2 or 3 of MPR 330, whichever selling price is highest.

However, a manufacturing-retailer may not under any circumstances sell any garment manufactured by him at a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery or the selling price listed in Appendix G (b) (section 33 (b)), whichever is higher.

5. Section 12 (d) is added to read as follows:

(d) A manufacturer who has received an order authorizing establishment of ceiling prices under Rule 6 or Rule 9 of MPR 287, or under section 12 (a) or (b) of this regulation, may not sell or deliver garments in any additional category numbers not listed in the order of authorization until he has been authorized to establish ceiling prices for garments in such additional category numbers. Two signed copies of an application for authorization to establish maximum prices for additional category numbers must be filed with the field office of the Office of Price Administration which issued the original order under Rule 6 or Rule 9, or under section 12 (a) or (b), setting forth the following:

- (1) Applicant's name and address;
- (2) Rule under which the original order was issued;
- (3) Additional category numbers of garments now desired to be sold;
- (4) Highest selling price line desired for each category number listed in (3). (These may not be higher than those listed in Appendix E (section 31));
- (5) Maximum margin and terms of sale desired for each category number listed in (3);
- (6) If the competitors named in the original application do not manufacture garments in the category numbers now desired, a list of five competitors who do manufacture these category numbers.

If authorization is given, it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. These instructions may be revised at any time by the Office of Price Administration.

A maximum allowable margin will not be authorized to any manufacturer, other than a manufacturing-retailer, that is higher than the maximum allowable margins listed in Appendix F (section 32).

6. Section 14 is amended to read as follows:

**Sec. 14. Amendments to pricing charts—(a) Correction of errors.** Any manufacturer who has filed a pricing chart and then finds that the pricing chart filed was incorrect, may apply to the Office of Price Administration for authorization to correct the errors. Two signed copies of an application for authorization to correct the errors in a pricing chart must be filed with the field office of the Office of Price Administration where the original pricing chart was filed, setting forth the following:

- (1) Applicant's name and address;
- (2) Description of the errors which applicant wishes to correct, and the correct entries;
- (3) Statement of the manner in which the error originally occurred.

If authorization is given, it will be accompanied by instructions stating the

correct entry to be made on the pricing chart or the method to be followed in calculating the corrected entry.

Until such correction has been authorized and until the manufacturer has received an acknowledgment from the Office of Price Administration of receipt of the corrected pricing chart, he may not take a higher maximum allowable margin than those listed in his pricing chart previously filed; nor may he sell in a higher selling price line than those listed in his pricing chart previously filed or those listed in Appendix G (section 33), whichever is higher.

(b) *Addition of prices delivered during March 1942.* Any manufacturer who, during March 1942, delivered garments in category numbers covered by MPR 287 prior to June 29, 1943, and who has filed a Spring Pricing Chart, and then finds that the pricing chart does not contain prices at which he actually delivered garments during March 1942, but which are different from "selling price lines" defined in section 7 (a), may apply to the Office of Price Administration for authorization to add such prices to his Spring Pricing Chart. Two signed copies of an application for authorization to add prices to a Spring Pricing Chart must be filed with the field office of the Office of Price Administration where the original Spring Pricing Chart was filed, setting forth the following:

- (1) Applicant's name and address;
- (2) A list of the prices which applicant wishes to add to his Spring Pricing Chart;
- (3) A statement of the reasons why such prices were not listed in a supplement to the pricing chart pursuant to Rule 11 of MPR 287 and filed prior to June 29, 1943;
- (4) A description of applicant's evidence that garments at such prices were actually delivered by him during March 1942.

Until addition of these prices has been authorized and until the manufacturer has received an acknowledgment from the Office of Price Administration of the receipt of his amended Spring Pricing Chart, he may not take a higher maximum allowable margin than those listed on his Spring Pricing Chart previously filed; nor may he sell in a higher selling price line than those listed on his Spring Pricing Chart previously filed or those listed in Appendix G (section 33), whichever is higher.

7. Section 15 (a) is amended to read as follows:

(a) No manufacturer shall deliver any garments in a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery, or in Appendix G (section 33), whichever is higher.

8. Section 17 (c) is amended to read as follows:

(c) *Purchase record.* A separate record of all purchases by type of material or trimming shall be kept which will indicate the following: (1) firm name of the supplier of materials and trimmings, (2) the date the materials and trimmings were received, (3) invoice number, (4) piece goods number of the material and trimmings, or if there is no piece goods number, the case number of the materials and trimmings, (5)

number of yards, dozens or units received, (6) cost of freight, if freight is borne by the manufacturer of the garment, (7) gross price of materials and trimmings received, (8) percent and dollar discounts, (9) net price of materials and trimmings received, and (10) net price per yard, dozen or unit of materials and trimmings received.

9. Section 27 is amended by deleting the word "feminine" from paragraphs (a) and (c) thereof.

10. Section 30 (a) (8) is amended by adding a new paragraph following the first paragraph thereof, to read as follows:

In addition, the marker for each cutting must be kept until 6 months after the date of the cutting, or, if the marker is cut with the lay, a pattern of the average size in the size range must be kept until 6 months after the date of the first cutting of a style number.

11. Section 30 (a) (10) (v) is amended by adding 2 new paragraphs to read as follows:

However, in calculating direct cost, certain manufacturers may include 66⅔% of any increase in marine freight, marine insurance and war risk insurance over the rates paid by the manufacturer on garments shipped on March 31, 1942 or, if he made no shipment on that date, the rates paid on the last shipment he made prior to that date. In computing these costs, war risk insurance costs shall not exceed the amount of the applicable direct voyage war risk insurance premium which was or would have been charged for such shipment by the War Shipping Administration.

These increased costs may be included only by a manufacturer who did all of the following during or prior to March 1942, and who presently does all of the following: (1) ships cut garments to any of the possessions of the United States, (2) has some of the processes of manufacture performed in the possession, and (3) completes the garments after their return to the United States. Any manufacturer who includes these costs in his direct cost must preserve such premium notices, bills and receipts and all other records which he has showing rates paid on March 31, 1942 or, if he made no shipment on that date, the rates paid on the last shipment he made prior to that date. He must also keep all receipts for his current payments for marine freight, marine insurance and war risk insurance and a record showing his allocation of such costs to each cutting.

12. Section 30 (a) (14) is amended to read as follows:

(14) *Calculation of week work labor costs.* A manufacturer who pays any of his employees engaged in direct labor operations on a time basis must prepare a week work chart as described in (15) below, and keep this chart with his cost records. The estimates shown in the chart are the maximum amounts which may be used in calculating the minimum allowable cost. If a manufacturer finds that his estimates are too low, he may amend his chart by means of a notation on the chart showing the revised estimates and the date of the notation; but

the revised estimates may not be regarded as effective for any period prior to the date of the notation.

If the estimate for any craft exceeds the manufacturer's actual direct labor cost, determined by reference to the records of (i) total wages paid to employees in the craft, and (ii) total garments manufactured during an accounting period chosen by the manufacturer and shown on the chart, the manufacturer's actual direct labor cost must be used in determining whether garments contain the minimum allowable cost.

13. Section 33 is added to read as follows:

SEC. 33 *Appendix G: Selling price lines available to all manufacturers and manufacturing-retailers—(a) Manufacturers' prices.* Regardless of the highest selling price lines listed on their pricing charts, manufacturers may deliver garments in the respective category numbers as follows:

TABLE I—CATEGORIES 1 THROUGH 20A AND 27 THROUGH 31

Category No.	Selling price line	
	Pile fabric, or fabric containing 25% or more wool	All fabrics other than pile fabrics or fabric containing 25% or more wool
1.....	\$10.75	.....
2.....	10.75	.....
3.....	8.75	.....
4.....	6.75	.....
5.....	4.75	.....
5a.....	4.75	.....
6.....	10.75	.....
7.....	10.75	.....
8.....	8.75	.....
9.....	6.75	.....
10.....	5.75	.....
10a.....	3.75	.....
11.....	4.75	\$1.87½
12.....	4.75	1.87½
13.....	4.75	1.87½
14.....	3.75	1.87½
15.....	3.50	1.31½
15a.....	3.50	1.31½
16.....	3.50	1.87½
17.....	3.50	1.87½
18.....	2.50	1.31½
19.....	2.50	1.31½
20.....	1.87½	1.31½
20a.....	1.87½	1.31½
27.....	4.75	.....
28.....	5.75	.....
29.....	5.75	.....
30.....	2.50	.....
31.....	3.50	.....

TABLE II—CATEGORIES 21 THROUGH 26B

Category No.	Selling price line	
	Cotton	All fabrics other than cotton
21.....	\$1.31½	\$3.50
22.....	1.31½	3.50
23.....	1.31½	2.50
24.....	1.31½	2.50
25.....	1.31½	1.87½
25.....	1.31½	1.31½
26.....	1.31½	1.87½
26a.....	1.31½	1.31½
26b.....	1.05	1.05

(b) *Manufacturing-retailers' prices.* Regardless of the highest selling price lines listed on their pricing charts, manufacturing-retailers may deliver to ultimate consumers, garments manufactured by them in the respective category numbers as follows:

TABLE I—CATEGORIES THROUGH 20A AND 27 THROUGH 31

Category No.	Selling price line	
	Pile fabric, or fabric containing 25% or more wool	All fabrics other than pile fabric, or fabric containing 25% or more wool
1	\$17	
2	17	
3	15	
4	11	
5	8	
5a	8	
6	17	
7	11	
8	15	
9	11	
10	10	
10a	6	
11	8	
12	8	
13	8	
14	6	
15	5	
15a	5	
16	5	
17	5	
18	4	
19	4	
20	3	
20a	3	
27	8	
28	10	
29	10	
30	4	
31	5	

TABLE II—CATEGORIES 21 THROUGH 26B

Category No.	Selling price line	
	Cotton	All fabrics other than cotton
21	\$2.00	\$5.00
22	2.00	5.00
23	2.00	4.00
24	2.00	4.00
25	2.00	3.00
25a	2.00	2.00
26	2.00	3.00
26a	2.00	2.00
26b	1.50	1.50

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1361; Filed, January 26, 1944;  
11:40 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter I—National Park Service

#### PART I—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE<sup>1</sup>

##### ORDER DESIGNATING HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Whereas the Congress of the United States has declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national

significance for the inspiration and benefit of the people of the United States; and

Whereas the Congress of the United States by Joint Resolution of July 18, 1939 (53 Stat. 1062-5), authorized the head of any executive department to accept for and in the name of the United States title to any part or parts of the Franklin D. Roosevelt Hyde Park estate for use in connection with any designated function of the Government administered in such department; and

Whereas subject to certain reservations and conditions title to approximately 33.23 acres of said historic and nationally significant estate has been vested in the United States pursuant to said Joint Resolution, having been donated by the said Franklin D. Roosevelt;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of and pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, situated in the Town of Hyde Park, County of Dutchess, and State of New York, to be a national historic site, having the name "Home of Franklin D. Roosevelt National Historic Site":

Beginning at a point in the west line of the New York and Albany Post Road where the said line is intersected by the southerly line of a 16.31 acre tract known as the Franklin D. Roosevelt Library site and described in the deed from Franklin D. Roosevelt and Anna Eleanor Roosevelt, his wife, to the United States, dated July 24, 1939, and recorded in the Dutchess County Clerk's Office in Book 576 of Deeds, at page 227, and which point is monumented by an iron pipe set five inches above the ground; thence along the southerly line of said library site the following courses and distances: North 87°27' West 0.05 of a chain (3.3 feet) to a granite monument set in the ground and marked "US FDR 1939", and North 87°27' West 17.87 chains (1179.42 feet) to a similarly marked granite monument; thence along the westerly line of the said library site North 0°10' East 8.45 chains (557.70 feet) to a similarly marked granite monument set in the division line between the lands of the said Franklin D. Roosevelt and land now or formerly of Mary Newbold Morgan; thence along the land now or formerly of said Mary Newbold Morgan the following courses and distances: South 87°06' West 7.56 chains (498.96 feet) to a point marked by a one-inch iron pipe set in a six-inch square concrete monument six inches above the ground with a brass cap marked "AP1 FDR 1943", and South 89°24' West 4.15 chains (273.90 feet) to a point in the center of a rock fence on said division line and which point is the northwesterly corner of the tract herein described; thence along other land of said Franklin D. Roosevelt the following four courses and distances: South 18°51' East 0.04 of a chain (2.64 feet) to an iron pipe monument constructed as aforesaid and marked "AP2 FDR 1943"; South 18°51' East 7.52 chains (496.32 feet) to an iron pipe monument constructed as aforesaid and marked "AP3 FDR 1943"; South 23°49' West 9.46 chains (624.36 feet) to an iron pipe constructed as aforesaid and marked "AP4 FDR 1943"; and South 43°56' East crossing a road leading to the river 0.68 of a chain (44.88 feet) to an iron pipe monument constructed as aforesaid, marked "AP5 FDR 1943", and set in the original division line between the southerly line of "Wheeler Place" and the northerly line of "Boreel Place"; thence along the said

original division line and along other land of Franklin D. Roosevelt the following courses and distances: South 87°40' East 39.23 chains (2038.03 feet) to an iron pipe monument constructed as aforesaid and marked "AP6 FDR 1943", and South 87°40' East 0.10 of a chain (6.6 feet) to a point where the westerly line of said New York and Albany Post Road intersects the original southerly line of said "Wheeler Place" and the original northerly line of "Boreel Place", and which point is monumented by an iron pipe set six inches above the ground; thence continuing along the westerly line of the said road the following courses and distances: North 2°56' East 7.31 chains (462.46 feet) to an iron pipe set six inches above the ground and North 5°05' West 1.06 chains (69.96 feet) to the point or place of beginning, containing 33.23 acres, more or less.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the above-mentioned Joint Resolution of July 18, 1939, and the Act of August 21, 1935, supra, all subject to the reservations and conditions contained in the deed conveying said property to the United States.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 15th day of January 1944.

[SEAL] HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 44-1345; Filed, January 26, 1944;  
10:08 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter III—Grazing Service

#### PART 505—LEASING OF STATE, COUNTY, OR PRIVATELY OWNED LANDS IN GRAZING DISTRICTS

##### MISCELLANEOUS AMENDMENTS

Paragraphs 2b, 3, and 5, of the regulations under the act of June 23, 1938 (52 Stat. 1033), for leasing of State, county, or privately owned lands in grazing districts, approved on January 26, 1940 [43 CFR 505.2 (b), as amended February 23, 1942; 505.3 and 505.5], are hereby amended to read as follows:

§ 505.2 *Evidence of ownership required.*

(b) *Certificate of ownership for private lands.* Where privately owned lands are offered for lease, the party offering them will be required to file with the local office of the Grazing Service certificates from either the proper county officials, a licensed abstractor, or an administrative officer of the Grazing Service, whichever is required by the regional grazer, certifying that the records of the county in which the lands are situated show that the party offering the lands for lease is the record owner thereof or in legal control of such lands under appropriate recorded lease permitting the subleasing of the property, and including an itemized statement showing

<sup>1</sup> Affects tabulation in § 1.13 g.



the nature and extent of any liens, tax assessments, mortgages, or other encumbrances.

§ 505.3 *Form of lease.* A form for use in the leasing of such lands is attached. This form is believed adaptable for use in all of the States within which grazing districts have been established under the Taylor Grazing Act and must be executed and acknowledged by the lessor in the manner prescribed by the laws of the State within which the lands leased are situated. No modifications of the terms of the lease shall be made without the approval of the Secretary of the Interior or the Director of Grazing.

§ 505.5 *Approval.* Local negotiations for leasing of lands under this act will be carried on by the regional grazier, but the lease and any renewal thereof will not be effective until approved by the Secretary of the Interior or the Director of Grazing. Upon such approval the Director of Grazing shall indicate whether the lease shall be recorded in the land records of the county in which the land is situated.

J. H. LEECH,  
Acting Director of Grazing.

Approved: January 22, 1944.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 44-1344; Filed, January 26, 1944;  
10:15 a. m.]

## Notices

### FEDERAL TRADE COMMISSION.

[Docket No. 4977]

BROWNING KING AND CO., INC., ET AL.

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of January, A. D., 1944.

In the matter of Browning King & Company, Inc., a corporation, and A. Benjamin Wilkes, and Joseph Wilkes, individuals.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 9, 1944, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 3056, William Penn Annex, Ninth and Market Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence

on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.  
By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-1356; Filed, January 26, 1944;  
11:20 a. m.]

### OFFICE OF PRICE ADMINISTRATION.

[Order 1197 Under MPR 188]

ZENITH RADIO CORP.

#### APPROVAL OF MAXIMUM PRICES

Order No. 1197 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consum-

Item	Part No.	To consumers	To dealers	To distributors
Service rental unit.....	A2AR	\$40.00	\$24.00	\$18.00
Amplifier unit only.....	S-10822	33.70	20.22	16.10
Earphone unit only.....	S-10770	3.60	2.10	1.67
Earphone cable (42").....	S-10763	1.75	1.05	.70
Battery cable (36").....	S-10775	1.65	.60	.74
117-Volt A. C. Pow. Sup.....	S-10812	17.60	10.60	7.67

These maximum prices are subject to the Zenith Company's customary discounts, allowances or other price differentials.

(b) The Zenith Radio Corporation, 6001 Dickens Avenue, Chicago, Illinois is authorized to sell and deliver the following hearing aid accessories at prices no higher than those set forth below:

Item	Part No.	To consumers	To dealers	To distributors
Rubber earplugs X-sm.....	S-10802	\$0.60	\$0.30	\$0.27
Rubber earplugs sm.....	S-10803	.60	.30	.27
Rubber earplugs med.....	S-10804	.60	.30	.27
Rubber earplugs lg.....	S-10805	.60	.30	.27
Ear studs and springs X-sm.....	S-10798	.60	.30	.27
Ear studs and springs sm.....	S-10799	.60	.30	.27
Ear studs and springs lg.....	S-10801	.60	.30	.27
Ear studs and springs med.....	S-10800	.60	.30	.27
Battery case (mens).....	189-51	1.00	.60	.45
Ladies undergarment.....	189-57	2.60	1.60	1.12
Ladies undergarment.....	189-55	1.60	.90	.675
Ladies undergarment.....	189-50	2.25	1.35	1.01

These maximum prices are subject to the Zenith Company's customary discounts, allowances or other price differentials.

(c) Any person may sell to dealers and deliver the following hearing aid accessories sold by the Zenith Radio Corporation at prices no higher than those set forth below:

Item	Zenith part No.	Maximum price
Service Rental unit.....	A2AR	\$24.00
Amplifier unit only.....	S-10822	20.22
Earphone unit only.....	S-10770	2.10
Earphone cable (42").....	S-10763	1.05
Battery cable (36").....	S-10775	.99
Rubber earplugs—X-small.....	S-10802	.36
Rubber earplugs—small.....	S-10803	.36
Rubber earplugs—medium.....	S-10804	.36
Rubber earplugs—large.....	S-10805	.36
Ear studs & springs—X-small.....	S-10798	.36
Ear studs & springs—small.....	S-10799	.36
Ear studs & springs—large.....	S-10801	.36
Ear studs & springs—medium.....	S-10800	.36
Battery case (mens).....	189-51	.60
Ladies undergarment.....	189-57	1.60
Ladies undergarment.....	189-55	.90
Ladies undergarment.....	189-50	1.35
117-Volt A. C. Power Supply.....	S-10812	10.60

These maximum prices are subject to the seller's customary discounts, allowances or other price differentials.

(d) Any person may sell at retail and deliver the following hearing aid accessories at prices no higher than those set forth below:

Item	Zenith part No.	Maximum price
Service rental unit.....	A2AR	\$40.00
Amplifier unit only.....	S-10822	33.70
Earphone unit only.....	S-10770	3.60
Earphone cable (42").....	S-10763	1.75
Battery cable (36").....	S-10775	1.65
Rubber earplugs, X-small.....	S-10802	.60
Rubber earplugs, small.....	S-10803	.60
Rubber earplugs, medium.....	S-10804	.60
Rubber earplugs, large.....	S-10805	.60
Ear studs and springs, X-small.....	S-10798	.60
Ear studs and springs, small.....	S-10799	.60
Ear studs and springs, medium.....	S-10800	.60
Ear studs and springs, large.....	S-10801	.60
Battery case (mens).....	189-51	1.00
Ladies undergarment.....	189-57	2.60
Ladies undergarment.....	189-55	1.60
Ladies undergarment.....	189-50	2.25
117-Volt A. C. Power Supply.....	S-10812	17.60

These maximum prices are subject to the seller's customary discounts, allowances and other price differentials.



(e) At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser of the maximum prices and the conditions set by this Order No. 1197 for resales by the purchaser. This notice may be given in any convenient form.

(f) This Order No. 1197 may be revoked or amended by the Price Administrator at any time.

This Order No. 1197 shall become effective January 26, 1944.

Issued this 25th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1303; Filed, January 25, 1944;  
11:20 a. m.]

[Order 1052 Under MPR 188, Amdt. 2]

MOVABLE WOOD HOUSEHOLD FURNITURE  
ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2, Order No. 1052 under § 1499.159 b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and 9328, it is ordered that Order No. 1052 under Maximum Price Regulation No. 188 be amended in the following respects:

1. Paragraph (b) is amended to read as follows:

(b) *What this order covers.* This order covers sales of articles of movable wood household furniture, including upholstered furniture, with the exception of certain articles mentioned in paragraph (c). As used in this order, household furniture means furniture which is primarily designed for and generally used in homes, such as living room, dining room, bedroom (including wood and fabric folding cots and cedar chests), kitchen, porch, outdoor and juvenile furniture (including cribs, high chairs and wooden bassinets, bathinets, play pens, porch and stair gates and infants' toilet seats). Articles of this type are covered by the order even though they are sold for use in places other than households, such as hotels, clubs, institutions and ships.

2. Paragraph (c) (4) is amended to read as follows:

(c) *What this order does not cover.* This order does not cover sales of:

(4) Sand boxes and other articles for infants' amusement.

This amendment shall become effective January 27, 1944.

Issued this 26th day of January 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-1362; Filed, January 26, 1944;  
11:39 a. m.]

Regional and District Office Orders.

[Region I Order G-35 Under RMPR 122]

SPECIFIED SOLID FUELS IN HAMPTON-SEABROOK AREA

Order No. G-35 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Hampton-Seabrook Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Hampton-Seabrook Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-35 is explained in paragraph (f) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-35. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-35 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I—Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Hampton-Seabrook Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut.....	\$16.00	\$8.00	\$4.00	\$2.00
Pea.....	15.00	7.50	3.75	1.88
Buckwheat.....	12.50	6.25	3.13	1.56
Rice.....	12.25	6.13	3.06	1.53
Yard screenings.....	4.00			
Coke:				
Egg, stove and chestnut....	15.00	7.50	3.75	1.88

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs.....	Cents 70	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight.....	70	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II—yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Hampton-Seabrook Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut.....	\$15.00	\$7.50	\$3.75	\$1.88
Pea.....	14.00	7.00	3.50	1.75
Buckwheat.....	11.83	5.92	2.96	1.48
Rice.....	11.25	5.63	2.81	1.41
Yard screenings.....	3.50			
Coke:				
Egg, stove and chestnut....	14.00	7.00	3.50	1.75

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 15 days after receipt of the fuel, the maximum prices set forth in the foregoing paragraphs shall, except in the case of Pennsylvania Anthracite yard screenings, be reduced by \$1.00 per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania Anthracite yard screenings or on any sales of less than a ton. If payment is not required or made

at the time of delivery or (except in the cases of yard screenings and less than ton lots) within 15 days thereafter, terms shall be net 30 days.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G-35 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Hampton-Seabrook Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Hampton-Seabrook Area, regardless of whether the dealer is located within said area.

(g) *Quality standards—Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania Anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

- (i) The size of the coal and the ash content upon a dry basis, by weight;
- (ii) The tonnage;
- (iii) The name and address of the dealer's supplier;
- (iv) The price paid, f. o. b. supplier's shipping point;
- (v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);
- (vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment to this order or by a letter to the applicant.

(h) *Definitions.* When used in this Order G-35, the term:

(1) "Hampton-Seabrook Area" shall include the following cities and towns in the State of New Hampshire: Atkinson, Danville, East Kingston, Hampton,

Hampton Falls, Kensington, Kingston, Newton, North Hampton, Plaistow, Seabrook and South Hampton.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-35 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-35 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-35 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount

charged therefore. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G-35 shall become effective January 14, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 44-1311; Filed January 26, 1944; 12:55 p. m.]

[Region 1 Order G-36 Under RMFR 122]  
SPECIFIED SOLID FUELS IN DOVER-EXETER AREA

Order No. G-36 Under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Dover-Exeter Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation, No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maxi-

Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Dover-Exeter Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum Prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-36 is explained in paragraph (f) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-36. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in section 1340.252 apply except to the extent that this Order G-36 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I—Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Dover-Exeter Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	\$17.25	\$8.65	\$4.50	\$0.95
Pea	15.70	7.85	4.10	.85
Buckwheat	13.55	6.80	3.55	.75
Rice	12.45	6.25	3.30	.70
Yard screenings	4.00			
Coke:				
Egg, stove and chestnut	16.00	8.00	4.15	.90

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	Cents 50	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II—yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Dover-Exeter Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	\$16.25	\$8.15	\$4.25	\$0.90
Pea	14.70	7.35	3.85	.80
Buckwheat	12.55	6.25	3.30	.70
Rice	11.45	5.75	3.05	.65
Yard screenings	3.00			
Coke:				
Egg, stove and chestnut	15.00	7.50	3.90	.85

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in the foregoing paragraphs shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by \$1.00 per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the

maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G-36 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Dover-Exeter Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Dover-Exeter Area, regardless of whether the dealer is located within said area.

(g) *Quality standards—Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania Anthracite may be charged only for Pennsylvania Anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania Anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this Order or by a letter to the applicant.

(h) *Definitions.* When used in this Order G-36, the term:

(1) "Dover-Exeter Area" shall include the following cities and towns in the State of New Hampshire: Barrington, Brentwood, Dover, Durham, Epping, Exeter, Farmington, Lee, Madbury, New Durham, Newfields, Newmarket, Northwood, Nottingham, Rochester, Rollinsford, Somersworth, Strafford, Stratham.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with

standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise, from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in Sections 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-36 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-36 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-36 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefore. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the

dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-36 shall become effective January 14, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 44-1312; Filed, January 25, 1944;  
12:54 p.m.]

[Region 1 Order G-37 Under RMPR 122]

#### SPECIFIED SOLID FUELS IN STAMFORD-NORWALK AREA

Order No. G-37 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Stamford-Norwalk area.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by Section 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Stamford-Norwalk Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the

specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-37 is explained in paragraph (g) and the terms used herein are defined in paragraph (1).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-37. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-37 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I, sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Stamford-Norwalk Area.

Kind and size	Per net ton	¼ ton	¾ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut.....	\$15.75	\$3.15	\$4.35	\$0.90
Pea.....	14.25	7.40	3.95	.83
Buckwheat.....	12.65	6.65	3.65	.76
Rice.....	11.45	6.00	3.25	.70
Yard screenings.....	3.50			
Jeddo Highland:				
Broken, egg, stove and chestnut.....	16.25	8.40	4.45	.95
Pea.....	14.75	7.65	4.10	.90
Buckwheat.....	13.05	6.80	3.65	.80
Coke:				
Koppers coke.....	14.50	7.50	4.00	.85
Stamford coke.....	12.25	6.40	3.45	.76
Cannel coal.....	20.00	10.00	6.00	1.00

(2) *Maximum, authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ¼ ton	Per ¾ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs.....	Cents 50	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight.....	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II, yard sales to consumers.* (1) Price Schedule II sets

forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Stamford-Norwalk Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.	50 lbs.
Pennsylvania anthracite:					
Broken, egg, stove and chestnut.....	\$15.25	\$7.90	\$4.20	\$0.85	\$0.45
Pea.....	13.75	7.15	3.85	.80	.45
Buckwheat.....	12.05	6.20	3.40	.70	.40
Rice.....	10.95	5.75	3.15	.65	.35
Yard screenings.....	2.50				
Jeddo Highland:					
Broken, egg, stove and chestnut.....	15.75	8.15	4.35	.90	.50
Pea.....	14.25	7.40	3.95	.85	.45
Buckwheat.....	12.55	6.55	3.55	.75	.40
Coke:					
Koppers coke.....	14.60	7.25	3.90	.80	.45
Stamford coke.....	11.75	6.15	3.35	.70	.40
Cannel coal.....	20.00	10.00	5.00	1.00	.50

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 50 and 100 pounds are for 50 and 100 pounds bagged, exclusive of deposit charges for bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of deposit charges on bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of Sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) above shall, except in the cases of Cannel coal and Pennsylvania anthracite yard screenings, be reduced by the following amounts:

	Per net ton	Per ½ ton
Pennsylvania anthracite and Koppers coke:		
Entire area except New Canaan.....	\$1.00	\$0.50
New Canaan.....	.50	.25
Stamford coke: Entire area.....	.50	.25

which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Cannel coal, Pennsylvania Anthracite yard screenings or on any sales of less than a half-ton. If payment is not required or made at the time of delivery or (except in the cases of Cannel Coal, yard screenings and less than half-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III, yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Stamford-Norwalk Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut.....	\$13.00	\$6.50	\$3.25
Pea.....	11.50	5.75	2.90
Buckwheat.....	9.80	4.90	2.45
Rice.....	8.70	4.35	2.20
Yard screenings.....	2.50		
Jeddo Highland:			
Broken, egg, stove and chestnut.....	13.50	6.75	3.40
Pea.....	12.00	6.00	3.00
Buckwheat.....	10.50	5.25	2.60
Coke:			
Koppers coke.....	11.75	5.90	2.95
Stamford coke.....	10.00	5.00	2.50

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by Section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(g) *Geographical applicability.* The maximum prices established by this Order G-37 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Stamford-Norwalk Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Stamford-Norwalk Area, regardless of whether the dealer is located within said area.

(h) *Quality standards—Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of

Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(i) *Definitions.* When used in this Order G-37, the term:

(1) "Stamford-Norwalk Area" shall include the following cities and towns in the State of Connecticut: Darien, Greenwich, New Canaan, Norwalk, Stamford (including Stamford City), Weston, Westport and Wilton.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, Koppers and Stamford Coke, and Cannel coal.

(3) "Pennsylvania Anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" is that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazel Brook Coal".

(5) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania Anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers Coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Stamford Coke" means the retort gas coke produced by the Connecticut Power Company, Stamford Division, Stamford, Connecticut.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.



(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-37 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-37 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-37 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b), separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural

Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-37 shall become effective January 17, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 44-1313; Filed, January 25, 1944;  
12:54 p. m.]

[Region II Order G-21 Under RMFR 122,  
Amdt. 1]

#### BITUMINOUS COAL IN NEW YORK CITY REGION

Amendment No. 1 to Order No. G-21 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Emergency sales of prepared bituminous coal to domestic consumers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-21 is amended in the following respects:

1. Paragraph (a) is amended by redesignating subparagraph (3) as subparagraph (4) and inserting a new subparagraph (3) to read as follows:

(3) Any dealer who cannot calculate his maximum price by the use of said Rules 1 and 2, but can calculate his maximum price by the use of Rule 3 of § 1340.254 (b) shall do so. It is contemplated that dealers who have established a maximum price for any prepared size of bituminous coal will be in a position to price under Rule 3 for all prepared sizes of bituminous coal. Such dealers will not price under the ensuing paragraphs of this order.

2. Paragraph (a) is further amended by inserting in the subparagraph redesignated (4) the words "or Rule 3" immediately after the words "or Rule 2" and immediately before the words "shall be the sum of."

3. Paragraph (c) is redesignated paragraph (d), paragraph (d) is redesignated paragraph (e), and a new paragraph (c) is inserted to read as follows:

(c) *Reports.* Every dealer subject to this order shall, within ten days after he determines his maximum prices hereunder, or, if his maximum price has been determined prior to the effective date of this amendment, within ten days after

that effective date, report to the District Office of the Office of Price Administration under whose geographical jurisdiction his principal place of business is located:

(1) His maximum price for sales of prepared bituminous coal.

(2) The method employed in computing or determining that price including, where applicable, the margin added to delivered costs for sales to different classes of purchasers.

(3) A statement of the margin over delivered costs on the dealer's similar sale of anthracite coal to different classes of purchasers.

4. Subparagraph (3) in the paragraph redesignated (d) is redesignated subparagraph (4) and a new subparagraph (3) is inserted to read as follows:

(d) *Definitions.* When used in this Order No. G-21, the term:

(3) Sales to "domestic consumers" shall refer to sales of "prepared bituminous coal", as defined, for use in dwellings consisting of no more than three family units, or in any building which normally consumes no more than twelve tons of anthracite annually, where such dwellings and buildings prior to the current (1943-4) heating season customarily consumed only anthracite, but, because of the present shortage of anthracite, have been compelled to substitute "prepared bituminous coal" as an emergency fuel.

5. The following note shall be inserted immediately after the paragraph redesignated (e):

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Amendment No. 1 to Order No. G-21 shall become effective January 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-1314; Filed, January 26, 1944;  
12:54 p. m.]

[Region II Order G-24 Under RMFR 122,  
Amdt. 1]

#### SOLID FUELS IN DESIGNATED COUNTIES IN PENNSYLVANIA

Amendment No. 1 to Order No. G-24 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania Anthracite delivered by dealers in Lycoming, Union, Snyder and Montour Counties, and in designated parts of Northumberland, Centre and Clinton Counties, Commonwealth of Pennsylvania, Coal Area VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by §§ 1340.260



and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-24 is amended in the following respect:

1. Paragraph (a) (1) 5 is amended to read as follows:

5. That portion of Northumberland County lying North of the Susquehanna River, and the City of Sunbury, the Townships of Upper Augusta, Lower Augusta, and Gearhart, and the Borough of Riverside.

This Amendment to Order No. G-24 shall become effective January 19, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-1315; Filed, January 25, 1944;  
12:54 p. m.]

[Region II Order G-28 Under RMPR 122]

SOLID FUELS IN NEW YORK REGION

Order No. G-28 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Emergency sales of coke to domestic consumers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring on April 1, 1944, *It is hereby ordered:*

(a) In Region II, consisting of the States of Delaware, Maryland, New Jersey, New York, the Commonwealth of Pennsylvania and the District of Columbia, the maximum prices for the sale and delivery of coke to domestic consumers, shall be determined in the following manner.

(1) Any dealer in coke, purchasing coke of the kind or kinds customarily sold by him, from his customary suppliers, shall not exceed his existing maximum price for sales of such coke.

(2) Any dealer who has established a maximum price for coke but purchases coke of a different kind or quality or from different sources of supply than formerly, shall calculate his maximum price for sales of such coke by taking the sum of the following:

*First*, the per net ton cost of such coke to the dealer, f. o. b. supplier's shipping point;

*Second*, the actual transportation cost from supplier's shipping point to the dealer's yard, dock or other terminal facility; and

*Third*, the margin over delivered cost on the dealer's similar sale of coke most nearly like the coke for which a maximum price is being calculated hereunder, taking into account class of purchaser, method of delivery, and terms of delivery: *Provided*, That, where sales or deliveries are contemplated in communities where coke is subject to area dollars-and-cents orders issued un-

der Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins authorized by the Regional Office of the Office of Price Administration. In such instances, dealers shall apply for a price to the Regional Office, setting forth in writing:

1. The locality in which sales and deliveries of coke will be made, and  
2. The f. o. b. cost of coke and the actual transportation cost, as above described.

The Regional Administrator will then establish the maximum price which the applicant may charge for such coke in the place designated, which price shall be determined by reference to margins prevailing in the area for sales of coke.

(3) Any dealer who has not established a maximum price for coke under Revised Maximum Price Regulation No. 122 may, to insure accurate pricing, apply for a price to the Regional Office setting forth:

1. A description of the coke and name of supplier,

2. The locality in which sales and deliveries will be made, and

3. The f. o. b. cost of coke and the actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility.

The Regional Administrator will then establish the maximum price which the applicant may charge for such coke in line with maximum prices of the closest competitive sellers for like coke sales derived from the same sources.

(b) *Conditions and limitations.* Every dealer making sales of coke pursuant to the pricing authorization of this order must, as a condition to pricing hereunder, keep each kind of coke, from each supplier, separate in storage and delivery from any other kind of coke and from coke shipped by other suppliers, and from any other kind of solid fuel, and sell and invoice it under the description used by the supplier. The invoice shall also set forth the supplier's shipping point.

(c) *Records.* Every dealer making sales of coke subject to this order shall preserve, keep and make available for examination by the Office of Price Administration complete and accurate records of coke purchased and sold hereunder, and a record of every sale of such fuel, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the coke sold. The coke shall be identified in the manner designated by the supplier as well as by the supplier's shipping point. The record shall also state separately each service rendered and the charge made for it.

(d) *Reports.* Every dealer subject to this order shall, within ten days after he determines or redetermines his maximum prices hereunder, report to the District Office of the Office of Price Administration under whose geographical jurisdiction his principal place of business is located:

(1) His maximum price for sales of each kind of coke from each supplier.

(2) The method employed in computing or determining that price including, where applicable, the margin added to delivered costs for sales to different classes of purchasers.

(3) A statement of the margin over delivered costs on the dealer's similar sale of coke most nearly like the coke priced hereunder, to different classes of purchasers.

(e) *Definitions.* When used in this Order No. G-28 the term:

(1) "Coke" means all coke, including reclaimed coke, when sold by dealers for use as fuel by "domestic consumers", as herein defined.

(2) Sales to "domestic consumers" shall refer to sales of coke for use in dwellings consisting of no more than three family units, or in any building which would normally consume no more than twelve tons of anthracite annually.

(3) Unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to all other terms used herein.

(f) This order, which may be revoked, amended, or corrected at any time shall, unless earlier revoked or replaced, expire on April 1, 1944.

This Order No. G-28 shall become effective January 17, 1944.

*NOTE:* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-1316; Filed, January 25, 1944;  
12:53 p. m.]

[Region VII Order G-24 Under RMPR 122]

SOLID FUELS IN DENVER REGION

Order No. G-24 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G-24 is issued.

(a) *What this order does.* This order permits dealers in Region VII for whom specific maximum prices have heretofore been established by this Regional Office in any specified trade area, by an adjustment order issued under § 1340.259, or by a community price order under § 1340.260 of Revised Maximum Price Regulation 122, to reflect any increase in the supplier's maximum prices authorized by Amendment No. 74 to Maximum Price Regulation No. 120, which permits producers, upon certain conditions, to increase their prices f. o. b. mine or preparation plant.

(b) *When dealers may increase their specific maximum prices to cover an increase in the maximum prices of a high-*

cost producer. If you are a dealer selling any kind, class, or grade of coal for which your maximum price has been established by an adjustment order issued under § 1340.259 or a community pricing order under § 1340.260 of Revised Maximum Price Regulation No. 122 by this Region VII of the Office of Price Administration for the trade area in which your place of business is located and you buy coal from any one or more of the high-cost mines listed in Appendix A of paragraph (d) hereof, you may add to your specific maximum prices, as established by such area adjustment order, or such community pricing order, the amount of such increase allowed your supplier as set forth in said Appendix A, from and after the effective date specified in said Appendix A.

(c) *Limitations.* This order permits you to add to your specific maximum prices the amount shown in Appendix A only as to coal actually purchased by you from one or more of the high-cost mines listed in Appendix A, and does not permit you to add such increase to your specific maximum prices for such coal when purchased from any other supplier or when purchased prior to December 3, 1943.

(d) *Appendix A.* The following mines have been designated high-cost mines and authorized to increase their f. o. b. mine prices in the amounts and as of the effective dates set forth below:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(1) The Colorado Fuel and Iron Corporation:					
Crested Butte.....	17	11	25	10	12-9-43
Rockvale #3.....	17	2	63	12	12-9-43
Frederick.....	17	8	32	45	12-9-43
Morley.....	17	8	62	49	12-9-43
(2) Hi-Heat Coal Company: Rains #2.....	20	1	17	28	12-11-43
(3) Crested Butte Coal Company: Buckley #2.....	17	11	16	25	12-14-43
(4) Huerfano Coal Company: Ludlow.....	17	7	47	5	12-16-43
(5) Moffat Coal Company: Moffat Nos. 1 & 2.....	17	4	51	39	12-17-43
Arrowhead.....	17	4	53	39	12-17-43
(6) Phelps Dodge Corporation: Dawson #3.....	17	9	27	21	12-15-43
(7) Burnell Coal Mines:					
Gebo #1.....	19	9	238	14	12-15-43
Gebo #2.....	19	5	114	14	12-15-43
Gebo #3.....	19	5	225	14	12-15-43
Gebo #4.....	19	5	192	14	12-15-43
Gebo #5.....	19	5	226	14	12-15-43
(8) Colony Coal Company: Peacock.....	19	2	18	12	12-15-43
(9) Hudson Coal Company: Sweet.....	20	1	23	52	12-15-43
(10) Royal Coal Company: Royal.....	20	1	19	20	12-15-43
(11) Spring Canyon Coal Company: Spring Canyon.....	20	1	20	20	12-15-43
(12) Standard Coal, Inc.: Standard.....	20	1	21	20	12-15-43
(13) Western Coal Mining Company: Western.....	20	1	11	33	12-16-43
(14) Lion Coal Corporation: Star.....	19	2	24	14	12-18-43
(15) Taylor Coal Company: Rouse.....	17	6	69	20	12-22-43

This Appendix A will be kept up to date by amendments issued from time to time and adding thereto other high-cost mines in this Region VII, as the same are from time to time designated by the Washington Office of the Office of Price Administration.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended by the Administrator or the Regional Administrator at any time.

*Effective date.* This order shall become effective retroactively as of December 3, 1943, thereby making the same operate concurrently with said Amendment No. 74.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1308; Filed, January 25, 1944;  
12:55 p. m.]

[Region VII Order G-24 Under RMPR 122,  
Amdt. 1]

#### SOLID FUELS IN DENVER REGION

Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d), "Appendix A," is amended by adding thereto the following:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(16) Rock Springs Fuel Company: Kleen.....	19	2	13	18	12-22-43
(17) The Victor American Fuel Company: Pinacle.....	11	4	62	28	12-24-43

and by deleting therefrom all of subparagraph (1), effective as of December 22, 1943; and by deleting from subparagraph (9) the amount of 52¢ and substituting therefor the amount of 22¢, effective as of December 22, 1943.

*Effective date.* This Amendment No. 1 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1310; Filed, January 25, 1944;  
12:53 p. m.]

[Region VII Order G-24 Under RMPR 122,  
Amdt. 2]

#### SOLID FUELS IN DENVER REGION

Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 2. Adjustment of specific max-

imum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Subparagraph (17) of paragraph (d), Appendix "A," is amended by adding thereto the following:

Wadge Mine, District 17, Sub-district 5, Index No. 83, an increase of 8¢ per ton, effective 12-30-43;

and by inserting in said paragraph (d), Appendix "A," a new subparagraph (1) to take the place of subparagraph (1) heretofore deleted by Amendment No. 1, which said new subparagraph (1) reads as follows:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(1) The Colorado Fuel and Iron Corporation:					
Crested Butte.....	17	11	25	10	12-30-43
Rockvale #3.....	17	2	63	12	12-30-43
Frederick.....	17	8	32	45	12-30-43
Morley.....	17	8	62	49	12-30-43

2. Subparagraph (4) of paragraph (d), Appendix "A," is hereby revoked and deleted, as of January 1, 1944.

3. *Effective date.* This Amendment No. 2 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681).

Issued this 7th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1309; Filed, January 25, 1944;  
12:53 p. m.]

[Region VII Order G-5 Under RMPR 122,  
Amdt. 1]

#### BITUMINOUS COAL IN COLORADO SPRINGS AND PUEBLO, COLO., AREAS

Order No. G-5 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Specific maximum prices for bituminous coal delivered by dealers in the Colorado Springs and Pueblo areas, State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. The title to this order is amended to read as follows: Order No. G-5 under Revised Maximum Price Regulation No. 122.

2. Paragraphs (b), (c), (d), and (e) are amended by adding to each per ton price as set forth in Schedules I, II, III, and IV thereof, respectively, the sum of 20¢.

3. Paragraphs (l) and (m) are hereby redesignated (q) and (r), respectively,

and five new paragraphs designated (l), (m), (n), (o), and (p), respectively, are added to read as follows:

(l) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(n) *Special service charges.* If in connection with a sale and delivery of coal made by you in the area covered hereby, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

(1) *Special service charges.*

	Per ton	Per half ton
"Wheel-in" or "Carry-in"-----	\$0.50	\$0.35
"Pull-back" or "Trimming"-----	.25	.15
"Carrying up or down stairs"-----	1.00	.60
"Oil or chemical treatment"-----	.25	.15

(2) "Wheel-in" or "Carry-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space, when the physical condition of the premises are such as to prevent dumping or unloading directly into such bin or storage space.

(3) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such "pull-back" or "trimming" shall apply only to the amount of coal so rehandled.

(4) "Carrying up or down stairs" means, generally, the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(5) "Delivered" means placed in the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck.

(o) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the area within which the seller has heretofore customarily made free delivery, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such

extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(p) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1334; Filed, January 25, 1944; 4:03 p. m.]

[Region VII Order G-8 Under RMPR 122, Amdt. 3]

#### SOLID FUELS IN DENVER, COLO., METROPOLITAN AREA

Order No. G-8 under Revised Maximum Price Regulation No. 122, Amendment No. 3. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Denver Metropolitan Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. Tables I and II of paragraph (d), as to sub-bituminous coal produced in District 16, are amended as follows:

(1) On sizes #2, #3, #5, and #6 of coal produced in Sub-districts 1, 2, and 4, Louisville, Lafayette, and Marshall No. 4, 45¢ is added to the ton prices and 25¢ to the half-ton prices, both as to delivered sales and yard sales.

(2) On sizes #2 and #3 produced in Sub-district 5, Liley, and Sub-district 6, Erie, 45¢ is added to the ton price and 25¢ to the half-ton price, both as to delivered and yard sales.

(3) On sizes #2, #3, #4, and #5 produced in Sub-districts 8 and 9, Frederick and El Paso, 45¢ is added to the ton price and 25¢ to the half-ton price, both as to delivered and yard sales.

(4) On size #6 produced in Sub-district 9, El Paso, 45¢ is added to the ton price and 20¢ to the half-ton price, both as to delivered and yard sales.

(5) On sizes #3, #5, and #6 produced in Sub-district 10, Jefferson, 45¢ is added to the ton prices, both as to delivered and yard sales.

(6) On size #8, regardless of the sub-district in which produced, 35¢ is added

to the ton price and 15¢ to the half-ton price, both as to delivered and yard sales.

(7) On sizes #9, #10, #11, and #12, regardless of the sub-district in which produced, 55¢ is added to the ton price, both as to delivered and yard sales.

2. Subparagraph (2) of paragraph (n) is amended to read as follows:

(2) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such pull-back or trimming shall apply only to the amount of coal so rehandled.

3. Paragraph (o) is hereby redesignated paragraph (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made beyond the Denver Metropolitan Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 3 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 3 shall become effective on the 8th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1323; Filed, January 25, 1944; 4:03 p. m.]

[Region VII, Rev. Order G-9 Under  
RMFR 122, Amdt. 2]

**SOLID FUELS IN ROCKY FORD, COLO.,  
TRADE AREA**

Revised Order No. G-9 under Revised Maximum Price Regulation No. 122, Amendment No. 2. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered in the Rocky Ford Trade Area of the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (c) is amended by adding 20¢ to each per-ton price set forth in Table I thereof.

2. Paragraphs (o) and (p) are redesignated (r) and (s), and three new paragraphs designated (o), (p), and (q) are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Rocky Ford Trade Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

3. *Effective date.* This Amendment No. 2 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 2 shall become effective on the 10th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1329; Filed, January 25, 1944;  
4:09 p. m.]

[Region VII Order G-10 Under RMFR 122,  
Amdt. 1]

**SOLID FUELS IN ROCK SPRINGS, WYO., TRADE  
AREA**

Order No. G-10 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Rock Springs Trade Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d) (1) is amended by adding 20¢ to each per-ton price as set forth in Table I thereof.

2. Paragraph (d) (2) is amended by changing the period at the end thereof to a comma and adding the following: "and shall apply only to the amount of coal so actually rehandled."

3. Paragraph (o) is redesignated (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Rock Springs Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively, as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained

herein, this Amendment No. 1 shall become effective on the 10th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1330; Filed, January 25, 1944;  
4:09 p. m.]

[Region VII Order G-11 Under RMFR 122,  
Amdt. 1]

**SOLID FUELS IN CANON CITY-FLORENCE,  
COLO., TRADE AREA**

Order No. G-11 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Canon City-Florence, Colorado, Trade Area.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1340.260 of Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d) (1) is amended by adding 20¢ to each per-ton price as set forth in Table I thereof.

2. Paragraph (d) (2) is amended by changing the period at the end thereof to a comma, and adding the following: "and shall apply only to the amount of coal so actually rehandled."

3. Paragraph (o) is redesignated (s), and four new paragraphs, designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Canon City-Florence area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all per-

sons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1331; Filed, January 25, 1944;  
4:10 p. m.]

[Region VII Order G-12 Under RMPR 122,  
Amdt. 1]

#### SOLID FUELS IN CERTAIN IDAHO TRADE AREAS

Order No. G-12 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1), (2), (3), (4), and (5) of paragraph (d) are amended by adding 10¢ to each per-ton price and 5¢ to each half-ton price set forth in Tables I, II, III, IV, and V thereof.

2. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually re-handled."

3. Paragraph (q) is redesignated paragraph (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several trade areas as defined herein, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, by a dealer in such area may be added to the specific maximum prices established by this order. A dealer who was not in business in such area in December, 1941, or who if in business in such area during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in said area and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(4) *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 13th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1336; Filed, January 25, 1944;  
4:10 p. m.]

[Region VII Order G-13 Under RMPR 122,  
Amdt. 1]

#### SOLID FUELS IN GRAND JUNCTION AREA, COLO.

Order No. G-13 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Grand Junction Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d) (1) is amended by adding 10¢ to each per-ton price and 5¢ to each half-ton price as set forth in that part of Table I which covers bituminous coal produced in District 20, Sub-district 1, Castle Gate.

2. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually re-handled."

3. Paragraph (o) is redesignated paragraph (s), and four new para-

graphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Grand Junction Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1337; Filed, January 25, 1944;  
4:11 p. m.]

[Region VII Order G-14 Under RMPR 122,  
Amdt. 3]

#### SOLID FUELS IN CERTAIN UTAH TRADE AREAS

Order No. G-14 under Revised Maximum Price Regulation No. 122, Amendment No. 3. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Utah.



Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this amendment No. 3 is issued.

1. Subparagraphs (1), (2), (3), and (4) of paragraph (d) are amended by adding 10¢ to each per-ton price as set forth in Tables I, II, III, and IV thereof.

2. Subparagraph (5) of paragraph (d), as incorporated therein by Amendment No. 2, is amended by adding 10¢ to each per-ton price as set forth in Table V thereof.

3. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually re-handled."

4. Paragraph (o) is redesignated paragraph (r), and three new paragraphs designated (o), (p), and (q) are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several trade areas as defined herein, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, by a dealer in such area may be added to the specific maximum prices established by this order. A dealer who was not in business in such area in December, 1941, or who if in business in such area during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in said area and did make such extra-area deliveries in December, 1941.

5. *Effective date.* This Amendment No. 3 shall become effective retroactively as of November 30, 1943, as to the increases in the specific maximum prices set forth in Tables I, II, III, and IV; and as to the increases in specific maximum prices set forth in Table V, it shall become effective as of January 5, 1944; and as to all other provisions contained therein, this Amendment No. 3 shall become effective on the 13th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.  
CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1338; Filed, January 25, 1944;  
4:10 p. m.]

[Region VII Order G-15-Under RMPR 122,  
Amdt. 1]

#### SOLID FUELS IN DESIGNATED COLORADO AREAS

Order No. G-15 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the designated area of the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (a) is amended to read as follows:

(a) *Geographical applicability.* This order shall apply to all of the area contained within the County of Adams (except all of that area lying within the municipal boundaries of the Town of Aurora, which is excluded herefrom), and all of Weld County, and the eastern portion of Boulder County lying between its eastern boundary and a line ten miles west of and parallel to its eastern boundary, and the eastern portion of Larimer County lying between its eastern boundary and a line ten miles west of and parallel to its eastern boundary, in the State of Colorado.

2. Subparagraph (1) of paragraph (d) is amended by adding 45¢ to each per-ton price for sizes #2, #3, #4, #5, and #6; by adding 35¢ to each per-ton price for size #8; and by adding 55¢ to each per-ton price for sizes #9, #10, and #11, as set forth in Table I thereof.

3. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually re-handled."

4. Paragraph (o) is redesignated paragraph (r), and three new paragraphs designated (o), (p), and (q), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be

identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond customary free-delivery zone.* For a delivery made by any dealer in said area beyond his customary free-delivery zone as the same existed in December 1941, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December 1941, by such dealer, may be added to the specific maximum prices established by this order. A dealer who was not in business in such free-delivery zone in December 1941, or who if in business in such free-delivery zone during that time made no such extra-zone deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in such free-delivery zone and did make such extra-zone deliveries in December 1941.

5. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 13th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1339; Filed, January 25, 1944;  
4:11 p. m.]

[Region VII Order G-16 Under RMPR 122,  
Amdt. 1]

#### SOLID FUELS IN CERTAIN WYOMING TRADE AREAS

Order No. G-16 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraph (1) of paragraph (d) is amended by rewriting Table I thereof to read as follows:

TABLE I—MAXIMUM PRICES IN CHEYENNE TRADE AREA

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices per ton
		Per ton	Per ½ ton	
Bituminous coal produced in district 19:				
Subdistrict 2, Rock Springs.....	#1—8" lump.....	\$10.95	\$5.85	\$9.95
	#7—5 x 1½ nut.....	9.75	5.15	8.75
	#3—3 x 1½ nut.....	9.45	5.00	8.45
	#15—1½ x 0 slack.....	17.05	3.80	6.75
Subdistrict 3, Hanna-Rawlins, Elk Mountain coal by truck only.....				
	#1—8" lump.....	9.85	5.20	8.85
	#3—3 x 1½ nut.....	9.40	4.95	8.40
	#15—1½ x 0 slack.....	7.00	3.75	6.00



TABLE I—MAXIMUM PRICES IN CHEYENNE TRADE AREA—Continued

Kind	Size	Part 1—Delivered prices		Part 2— Yard prices per ton
		Per ton	Per 1/2 ton	
Bituminous coal produced in district 17: Subdistrict 4, Oak Hills.....	#3—3" lump.....	\$11.85	\$5.93	\$10.85
	#1—8" lump.....	11.65	5.83	10.65
	#4—8 x 3 grate.....	11.45	5.63	10.45
	#3—3 x 1 1/2 nut.....	10.85	5.43	9.85
	#3—3" lump.....	11.25	5.63	10.25
Subdistrict 5, Mount Harris.....	#1—8" lump.....	11.10	5.55	10.10
	#3—3 x 1 1/2 nut.....	10.75	5.38	9.75
	#2—8" lump.....	10.45	5.23	9.45
Bituminous coal produced in District 16: Subdistricts 1, 2, and 4, Louisville, Lafayette and Marshall #1.	#2—8" lump.....	10.45	5.23	9.45
	#5—8 x 2 1/2 egg.....	10.15	5.08	9.15
	#8—2 1/2 x 1 1/2 nut.....	7.55	3.78	7.55
	#9—1 1/2 x 3/4 pea.....	17.25	8.63	16.25
	#11—1 1/2 x 0 slack.....	16.55	8.28	15.55
	#2—8" lump.....	9.70	4.85	8.70
	#5—8 x 2 1/2 egg.....	9.70	4.85	8.70
Subdistricts 6 and 8, Erie and Frederick.....	#8—2 1/2 x 1 1/2 nut.....	7.45	3.73	7.45
	#9—1 1/2 x 3/4 pea.....	17.15	8.58	16.15
	#11—1 1/2 x 0 slack.....	16.45	8.23	15.45
	#2—8" lump.....	9.70	4.85	8.70
	#5—8 x 2 1/2 egg.....	9.70	4.85	8.70

<sup>1</sup> Pea and slack prices per net ton are based on sales in lots of 2 tons or more. On sales of pea or slack of less than 2-tons the maximum price shall be the listed price per net ton plus 2 1/2¢.

2. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for this service shall apply only to the amount of coal actually re-handled."

3. Paragraph (o) is redesignated paragraph (r) and three new paragraphs designated (o) (p) and (q) respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Cheyenne Trade Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 13th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 44-1340; Filed, January 25, 1944;  
4:11 p. m.]

[Region VIII Order G-1 Under MPR 376,  
Amdt. 5]

#### FRESH FRUITS AND VEGETABLES IN EL CENTRO, CALIF.

Amendment No. 5 to Order No. G-1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*, That Order No. G-1, as amended, under Maximum Price Regulation No. 376, as amended, shall be amended in the following particulars:

(a) Paragraph (a) is hereby amended to read as follows:

(a) The adjusted maximum price for sales of carrots by country shippers f. o. b. El Centro, California, shall be as follows:

(1) For sales of bunched carrots with full tops packed in Los Angeles crates containing at least 6 dozen bunches per crate, with a minimum net weight of 72 pounds: \$3.50 per crate, top ice extra.

(2) For sales of bunched carrots with full tops packed in Los Angeles crates containing less than 6 dozen bunches per crate, with a minimum net weight of 12 pounds per dozen bunches: \$0.58 per dozen bunches, top ice extra.

(3) For sales of bunched carrots with full tops packed in any container other than a Los Angeles crate, with a mini-

mum net weight of 12 pounds per dozen bunches: \$0.53 per dozen bunches, top ice extra.

(4) For sales of washed carrots with clipped tops packed in any container: \$4.00 per cwt., top ice extra.

(5) For sales of topped carrots (tops broken off) \$3.00 per cwt.

(b) Paragraph (b) is hereby amended to read as follows:

(b) The adjusted maximum price for the sales of carrots by a country shipper delivered to any wholesale receiving point in Region VIII shall be the applicable price set forth in paragraph (a) above, plus freight from El Centro, California, to the wholesale receiving point.

(c) Paragraph (c) is hereby amended to read as follows:

(c) The adjusted maximum price for sales of carrots f. o. b. any country shipping point in Region VIII other than El Centro, California, shall be the applicable price set forth in paragraph (b) above for the wholesale receiving point of the purchaser less freight from the country shipping point to such wholesale receiving point.

(d) A new paragraph (g) is added to read as follows:

(g) The maximum price for sales at any wholesale receiving point by any person other than a country shipper in less than carlot or less than trucklot quantities to retailers shall be the applicable prices set forth in paragraph (a) above, plus \$0.10 per dozen bunches in the case of bunched carrots and \$0.50 per cwt. in the case of clipped top or topped carrots.

(e) A new paragraph (h) is added to read as follows:

(h) The maximum price for sales of carrots at any wholesale receiving point by any person other than a country shipper to any person other than a retailer shall be the applicable price as set forth in paragraph (a) above, plus \$0.05 per dozen bunches in the case of bunched carrots and \$0.25 per cwt. in the case of clipped top or topped carrots.

This amendment to Order No. G-1 shall become effective January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

L. F. GERTNER,  
Regional Administrator.

[F. R. Doc. 44-1332; Filed, January 25, 1944;  
4:03 p. m.]

[Region VIII Order G-3 Under 18 (c),  
Amdt. 38]

#### FLUID MILK IN WASHINGTON STATE

Amendment No. 38 to Order No. G-3 under § 1459.18 (c) as amended, of the General Maximum Price Regulation.

Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, § 1499.75 (a) (9) of Supplementary Regulation No. 15, and special authorization conferred by the Price Administrator, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below:

(a) Section (1) is hereby amended by striking out the headings, "The Town of Colville", "The Towns of Palouse and Garfield", and the schedules of prices thereunder, and substituting therefor the following:

THE TOWN OF COLVILLE  
[Not less than 3.5% milk fat]

Quantity	Wholesale price	Home or store retail price
Gallon container.....	\$0.40	\$0.45
Quart container.....	.11	.13
Half-pint container.....	.035	

THE TOWNS OF PALOUSE AND GARFIELD  
[Not less than 3.5% milk fat]

Quantity	Wholesale price	Retail price
Quart container.....	\$0.12	\$0.13
Half-pint container.....	.035	

(b) Section (1) is hereby further amended by adding at the end thereof the following:

THE TOWN OF DEER PARK

Quantity	Wholesale price	Retail price
Quart container.....	\$0.11	\$0.13
Half-pint container.....	.035	

This amendment shall become effective January 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 44-1335; Filed January 25, 1944; 4:07 p. m.]

[Region VIII Order G-31 Under MPR 329]

FLUID MILK IN CERTAIN LOCALITIES IN  
WASHINGTON STATE

Order No. G-31 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and

under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered*:

(a) The maximum price at which any person whose place of business is located in Tacoma, Washington, may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers delivered to the purchaser's plant, the maximum price shall be 87¢ per pound milk fat.

(2) For purchases of milk from producers, f. o. b. the producer's dairy, the maximum price shall be the price specified in paragraph (a) (1) above, minus an allowance for transporting milk computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of a carrier operated or controlled by the purchaser, the transportation allowance shall be equal to the lowest truck common carrier or contract carrier rate for the same or most similar haul.

(b) *Definitions*. (1) "Fluid milk" means liquid cows' milk in a raw, unprocessed state sold for human consumption as fluid milk.

(2) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pick-up point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(3) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective January 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

L. F. GENTNER,  
Regional Administrator.

Approved:

BUELL F. MABEN,  
Regional Director, Pacific Region.

[F. R. Doc. 44-1335; Filed, January 25, 1944; 4:08 p. m.]

[Region VI Order G-1 Under MPR 280]

FLUID MILK IN ILLINOIS, ETC.

Order No. G-1 under Maximum Price Regulation No. 280. Maximum price for specific food products. Handler sales of fluid milk in Illinois, Minnesota, Wisconsin, certain counties in Iowa, and Lake County, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Office of Price Administration under § 1351.817a of Maxi-

mum Price Regulation No. 280, it is hereby ordered:

(a) *Computation of base price*. The maximum price for interhandler sales of milk shall be the base price computed as set forth in this paragraph (a), plus the additions permitted by paragraphs (b) or (c), whichever may apply. The base price for any handler sale or delivery of fluid milk in bulk shall be the weighted average price paid by the handler to producers for all purchases of milk made during the calendar months of July and August, 1943. All prices included in the weighted average shall be prices for milk delivered to the handler's plant. Where the handler has paid an independent carrier to transport the milk from the producer to the handler's plant, the amount paid for such transportation shall be added to the price paid to the producer for the milk so transported. However, where the handler has transported milk to his plant in his own conveyance, the price paid for such milk shall not be included in computing the weighted average price. Where a handler has more than one plant at which he receives milk from producers, a separate base price shall be established for each such plant.

In computing base prices all purchases made during July and August 1943 shall be considered. Computation shall be made on the basis of 3.5% milk. For any milk received during these two months other than 3.5% the handler shall compute a price as if such milk had in fact been 3.5%, applying his own butterfat differentials in use at the time of the purchase for milk with a butterfat content of other than 3.5%. If the handler had established for any period of time during July or August, 1943 a differential in prices for graded milk and ungraded milk or for different grades of milk, or both, such a handler should figure a weighted average price separately for graded milk and ungraded milk or for each such different grade of milk.

(Exception). Whenever a handler's purchases of milk from producers are governed by the provisions of any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1943, the base price shall be the Class 1 price currently established for such purchases at the time they are made or the base price established pursuant to this paragraph (a), whichever is higher.

(b) *Maximum prices established for handlers other than certain farmers' co-operatives serving cities over 100,000 population*. Except as provided in paragraph (c) hereof each handler shall determine for each of his plants his maximum price for handler sales of fluid milk in bulk f. o. b. the plant by adding to the base price determined by him for such plant under paragraph (a) of this order, that one of the following markups which is applicable to the sale made by him:

(1) 40¢ per cwt. when the seller receives, weighs, and tests the milk at his place of business, but does not cool or inspect the milk.

(2) 45¢ per cwt. when the seller receives, weighs, tests, inspects and cools the milk at his place of business and makes delivery into a tank truck or tank car.

(3) 50¢ per cwt. when the seller receives, weighs, tests, inspects and cools the milk and places it in cans provided by the purchaser.

(4) 55¢ per cwt. when the seller receives, weighs, tests, inspects and cools the milk and places it in cans provided by the seller.

(5) 15¢ less per cwt. than the price computed under section (b) (1), (2), (3), or (4) whichever is applicable for deliveries pursuant to an agreement covering a period of four months or more to supply a stated quantity of milk on a regular basis (such as five days a week) during the operation of the agreement and in which the buyer agrees to accept at least a minimum ascertainable quantity during the contract period.

The above markups are to be added to the base price (provided under paragraph (a) of this order) for 3.5% milk. In the case of sales of milk having a butterfat content in excess of 3.5%, 5¢ may be added to the maximum price (including the markup) for each  $\frac{1}{10}$  of a pound butterfat above 3.5%, and in the case of sales of milk with a butterfat content less than 3.5%, 5¢ must be deducted from the maximum price (including the markup) for each  $\frac{1}{10}$  of a pound butterfat below 3.5%.

(c) *Maximum prices established for certain farmers' cooperatives serving cities over 100,000 population.* Where a farmers' cooperative during July and August, 1943, processed fluid milk in a plant owned or leased by it and sold such fluid milk to retail or wholesale distributors of fluid milk serving cities over 100,000 population at a lower markup (over its cost delivered to its plant) than the applicable markup provided in paragraph (b) hereof, it shall not use the maximum price established under paragraph (b) hereof when making sales to such distributors. Instead, such a farmers' cooperative shall determine its maximum price f. o. b. its plant for sales to such distributors by adding to the cooperative's base price calculated under paragraph (a) hereof a markup which shall not exceed the highest markup taken in an actual sale by the cooperative to any such distributor of fluid milk during July and August, 1943. This markup shall be determined as the difference between the cost of the milk which was used for any such sale, delivered at the plant of the farmers' cooperative, and the price at which the cooperative sold such milk f. o. b. its plant.

(d) *Inability to fix maximum prices.* If a handler cannot compute his maximum price for sale of bulk milk at wholesale under the terms of this order he shall apply to the Regional Office of the OPA for a maximum price. Such application shall contain a statement of the reason why the applicant cannot avail himself of the pricing provisions of this order and such additional information as the applicant may deem necessary to the proper consideration of his application. The applicant shall furnish such additional information as the Regional

Office may subsequently request in order to act on the application.

(e) *Definitions.* As used in this order:

1. "Handler sale" shall mean any sale of fluid milk by a person who, on his own behalf or on behalf of others, purchases fluid milk from producers, associations of producers, or other handlers, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers) to any persons other than stores, hotels, restaurants, institutions, and ultimate consumers.

"Handler sale" shall not include any sale of milk for use in manufactured dairy products such as butter, cheese, evaporated or condensed milk, powdered milk, casein, and ice cream. Sales by a farmers' cooperative shall be considered handler sales in all cases where it sells fluid milk which has been processed in a plant owned or leased by it or which it has had processed for it in some other plant.

2. "Handler" shall mean any person who makes a handler sale.

3. "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which milk is produced. A farmers' cooperative is a producer with regard to all sales of fluid milk by it, except sales of fluid milk which has been processed in a plant owned or leased by it or which it has had processed for it in some other plant.

4. "Person" means individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

5. "Plant" shall mean an establishment equipped to receive, weigh and test milk, including an establishment which is further equipped to cool and inspect milk and place it in cans or in tank trucks or tank cars.

6. "Processes" or "processed" refers to the receiving, weighing and testing of milk in a plant and may include further handling such as inspecting, cooling and placing in cans, tank cars or tank trucks.

7. "Fluid milk" means raw or pasteurized liquid cows' milk of any butterfat content which is sold for human consumption in fluid form (including buttermilk).

(f) *Applicability.* This order applies to all handler sales of fluid milk for resale for human consumption, where physical delivery is made within the States of Illinois, Minnesota or Wisconsin, or within Lake County, Indiana, or within the following counties in Iowa:

Allamakee.	Henry.
Black Hawk.	Howard.
Bremer.	Jackson.
Buchanan.	Jones.
Cedar.	Lee.
Chickasaw.	Linn.
Clayton.	Louisa.
Clinton.	Mitchell.
Delaware.	Muscatine.
Des Moines.	Scott.
Dubuque.	Winnebago.
Fayette.	

(g) *Revocability.* This order may be revoked, modified, or corrected at any time, or may be superseded by any reg-

ulation hereafter issued, the provisions of which may be inconsistent herewith.

This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

ALEX ELSON,  
Acting Regional Administrator.

[F. R. Doc. 44-1322; Filed, January 25, 1944;  
4:05 p. m.]

[Region VI Order G-1 Under MPR 239,  
Amdt. 1]

#### FLUID MILK IN CHICAGO REGION

Amendment No. 1 to Order No. G-1 under Maximum Price Regulation No. 280. Maximum prices for specific food products. Handler sales of fluid milk in Illinois, Minnesota, Wisconsin, and certain counties in Iowa, and Lake County, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration under Section 1351.817a of Maximum Price Regulation No. 280, It is hereby ordered, That section (f) and the effective date provision of the order be amended to read as set forth below:

(f) *Applicability.* This order applies to all handler sales of fluid milk for resale for human consumption where physical delivery or shipment is made within or from the States of Illinois, Minnesota or Wisconsin, Lake County, Indiana, or the following counties in Iowa:

Allamakee.	Henry.
Black Hawk.	Howard.
Bremer.	Jackson.
Buchanan.	Jones.
Cedar.	Lee.
Chickasaw.	Linn.
Clayton.	Louisa.
Clinton.	Mitchell.
Delaware.	Muscatine.
Des Moines.	Scott.
Dubuque.	Winnebago.
Fayette.	

except that this order shall not apply to a sale of fluid milk for resale for human consumption when such milk is shipped from without the above named localities.

The effective date provision of Order No. G-1 to Maximum Price Regulation No. 280 is amended to read as follows:

This order shall become effective January 16, 1944.

- This Amendment No. 1 to Order No. G-1 under Maximum Price Regulation No. 280 shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

ALEX ELSON,  
Acting Regional Administrator.

[F. R. Doc. 44-1323; Filed, January 25, 1944;  
4:08 p. m.]

[Region VI Order G-21 Under SR 15 and MPR 280]

#### FLUID MILK IN WINCHESTER, ILL.

Order No. G-21 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices in Winchester, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and by § 1351.807 (a) of Maximum Price Regulation No. 280, it is ordered:

(a) *Maximum distributor prices.* The maximum prices for the sale and delivery of fluid milk at wholesale and retail in Winchester, Illinois, shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

	Wholesale	Retail
Standard butterfat content fluid milk:		
Gallons in bulk.....	Cents 37	Cents 45
Gallons.....	37	45
Quarts.....	10	12
Pints.....	5½	6½
½ pint.....	3	5

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail, shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Winchester, Illinois area shall mean:

1. All sales made within the city limits of Winchester, Illinois, and all sales at or from an establishment located in Winchester, Illinois;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Winchester, Illinois.

(c) *Definitions.* 1. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(d) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall remain in full force and effect and

shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January, 1944.

ALEX ELSON,  
Acting Regional Administrator.

[F. R. Doc. 44-1324; Filed, January 25, 1944;  
4:04 p. m.]

[Region VI, Order G-22 Under SR 15, MPR 280 and MPR 329]

#### FLUID MILK IN OWATONNA, MINN.

Order No. G-22 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280, Maximum prices for specific food products, and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Owatonna, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price, which distributors may pay to producers for milk sold for human consumption in fluid form shall be \$2.80 per cwt. for 3.5% milk, plus not more than 6¢ for each ¼ of a pound of butterfat in excess of 3.5%, and minus not less than 6¢ for each ¼ of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Owatonna, Minnesota, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk in August or September 1943, and are not applicable to purchases from producers who did not in those months sell to any Owatonna, Minnesota, distributor covered by this order.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Owatonna, Minnesota, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

	Wholesale	Retail
Standard butterfat content fluid milk:		
Gallons in bulk.....	\$0.37	.....
Gallons.....	.37	\$0.45
Quarts.....	.10	.12
Pints.....	.05½	.06½
½ pints.....	.03	.05
4.5% or more butterfat milk:		
Gallons in bulk.....	.41	.....
Gallons.....	.41	.49
Quarts.....	.11	.13
Pints.....	.06	.07
½ pints.....	.04	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Owatonna, Minnesota area shall mean:

1. All sales made within the city limits of Owatonna, Minnesota, and all sales at or from an establishment located in Owatonna, Minnesota;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Owatonna, Minnesota.

(e) *Definitions.* 1. Standard milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. 4.5% butterfat milk shall mean cows' milk having a butterfat content of not less than 4.5% distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

ALEX ELSON,  
Acting Regional Administrator.

[F. R. Doc. 44-1325; Filed, January 25, 1944;  
4:04 p. m.]

[Region VI Order G-23 Under MPR 329]

## FLUID MILK IN MINOT, N. DAK.

Order No. G-23 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Minot, North Dakota.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which milk distributors may pay producers authorized under the provisions of the city health ordinances of Minot, North Dakota to sell milk in fluid form for human consumption shall be \$2.90 per cwt. for 4% butterfat test milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers authorized under the provisions of the city health ordinances of Minot, North Dakota to sell milk in fluid form for human consumption to distributors whose bottling plants are located within Minot, Ward County, North Dakota, or who sell within that city 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation to Office of Price Administration regulations.* Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January of 1943.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

ALEX ELSON,  
Acting Regional Administrator.

[F. R. Doc. 44-1326; Filed, January 25, 1944;  
4:07 p. m.]

[Region VI Order G-24 Under MPR 329]

## FLUID MILK IN WATERLOO, IOWA

Order No. G-24 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Waterloo, Iowa.

For the reasons set forth in an opinion issued simultaneously herewith, and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which milk distributors may pay to producers for milk sold for human consumption in fluid form shall be \$2.95 per cwt. for 4% butterfat test milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* This order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Waterloo, Iowa, or who sell within that city 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation to Office of Price Administration regulations.* Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January of 1943.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 17th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

ALEX ELSON,  
Acting Regional Administrator.

[F. R. Doc. 44-1327; Filed, January 25, 1944;  
4:07 p. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 20, 1944.

## REGION I

Concord, Order No. 10, Amendment No. 2, filed 3:26 p. m.  
Connecticut, Order No. 5, filed 3:33 p. m.

## REGION II

Albany, Order No. 10, Amendment No. 3, filed 3:52 p. m.  
Albany, Order No. 12, Amendment No. 2, filed 3:52 p. m.  
Binghamton, Order No. 8, Amendment No. 2, filed 3:50 p. m.  
Buffalo, Order No. 5, Amendment No. 1, filed 3:19 p. m.  
Buffalo, Order No. 6, Amendment No. 1, filed 3:19 p. m.  
District of Columbia, Order No. 7, Amendment No. 2, filed 3:41 p. m.  
District of Columbia, Order No. 7, Amendment No. 3, filed 3:33 p. m.

District of Columbia, Order No. 7, Amendment No. 4, filed 3:18 p. m.  
New York, Order No. 9, Amendment No. 3, filed 3:33 p. m.  
New York, Order No. 10, Amendment No. 3, filed 3:23 p. m.  
New York, Order No. 11, Amendment No. 3, filed 3:37 p. m.  
Wilmington, Order No. 7, Amendment No. 1, filed 3:32 p. m.  
Wilmington, Order No. 8, Amendment No. 1, filed 3:41 p. m.

## REGION III

Detroit, Order No. 5, Amendment No. 23, filed 3:31 p. m.  
Detroit, Order No. 9, Amendment No. 2, filed 3:31 p. m.  
Charleston, Order No. 4-F, filed 3:24 p. m.  
Charleston, Order No. 20, Amendment No. 1, filed 3:21 p. m.  
Charleston, Order No. 22, Amendment No. 1, filed 3:21 p. m.  
Charleston, Order No. 23, Amendment No. 1, filed 3:21 p. m.  
Charleston, Order No. 24, Amendment No. 1, filed 3:22 p. m.  
Charleston, Order No. 25, Amendment No. 1, filed 3:24 p. m.  
Charleston, Order No. 28, Amendment No. 1, filed 3:24 p. m.  
Cleveland, Order No. F-1, Amendment No. 11, filed 3:14 p. m.  
Cleveland, Order No. F-3, Amendment No. 9, filed 3:14 p. m.  
Cleveland, Order No. F-4, Amendment No. 7, filed 3:14 p. m.  
Cleveland, Order No. F-5, Amendment No. 3, filed 3:14 p. m.  
Lexington, Order No. 11, Amendment No. 4, filed 3:31 p. m.  
Lexington, Order No. 12, Amendment No. 2, filed 3:31 p. m.  
Louisville, Order No. 3, Amendment No. 3, filed 3:37 p. m. Sec. Revised.  
Louisville, Order No. 10, Amendment No. 2, filed 3:37 p. m.  
Louisville, Order No. 11, Amendment No. 2, filed 3:35 p. m.  
Louisville, Order No. 13, Amendment No. 1, filed 3:35 p. m.  
Louisville, Order No. 14, Amendment No. 1, filed 3:38 p. m.

## REGION IV

Atlanta, Order No. 11, Revocation, filed 3:28 p. m.  
Jacksonville, Order No. 2-F, Amendment No. 3, filed 3:15 p. m.  
Jacksonville, Order No. 12, Amendment No. 1, filed 3:35 p. m.  
Jacksonville, Order No. 13, Amendment No. 1, filed 3:34 p. m.  
Jacksonville, Order No. 14, Amendment No. 1, filed 3:39 p. m.  
Jacksonville, Order No. 15, Amendment No. 1, filed 3:33 p. m.  
Jacksonville, Order No. 16, Amendment No. 1, filed 3:39 p. m.  
Raleigh, Order No. 10, Amendment No. 1, filed 3:27 p. m.  
Richmond, Order No. 11, Amendment No. 2, filed 3:35 p. m.  
Richmond, Order No. 12, Amendment No. 2, filed 3:35 p. m.  
Richmond, Order No. 13, filed 3:34 p. m.  
Roanoke, Order No. 9, Amendment No. 1, filed 3:51 p. m.  
Roanoke, Order No. 9, Amendment No. 2, filed 3:52 p. m.  
South Carolina, Order No. 1-F, Amendment No. 12, filed 3:53 p. m.

## REGION V

Kansas City, Order No. 1-F, filed 3:54 p. m.  
Kansas City, Order No. 2-F, filed 3:55 p. m.  
New Orleans, Order No. 1-F, filed 3:43 p. m.  
New Orleans, Order No. 2-F, filed 3:43 p. m.  
Oklahoma City, Order No. 2-F, filed 3:17 p. m.



Oklahoma City, Order No. 3-F, filed 3:18 p. m.  
 St. Louis, Order No. 2-F, filed 3:16 p. m.  
 St. Louis, Order No. 1-F, filed 3:16 p. m.

## REGION VI

Chicago, Order No. 5, Amendment No. 15, filed 3:53 p. m.  
 Moline, Order No. 26, filed 3:51 p. m.  
 North Platte, Order No. 4, Amendment No. 2, filed 3:47 p. m.  
 North Platte, Order No. 5, Amendment No. 1, filed 3:57 p. m.  
 North Platte, Order No. 5, Amendment No. 2, filed 3:47 p. m.  
 North Platte, Order No. 7, Amendment No. 1, filed 3:47 p. m.  
 North Platte, Order No. 8, Amendment No. 2, filed 3:41 p. m.  
 North Platte, Order No. 9, Amendment No. 2, filed 3:41 p. m.

## REGION VII

Utah, Order No. 1 Sec. Revised, Amendment No. 1, filed 3:55 p. m.  
 Utah, Order No. 2 Revised, Amendment No. 1, filed 3:55 p. m.  
 Utah, Rev. Order No. 3, Amendment No. 1, filed 3:56 p. m.  
 Utah, Rev. Order No. 4, Amendment No. 1, filed 3:56 p. m.  
 Utah, Rev. Order No. 5, Amendment No. 1, filed 3:57 p. m.

## REGION VIII

Fresno, Order No. 1-F, filed 3:49 p. m.  
 San Diego, Order No. 1-F, Amendment No. 15, filed 3:18 p. m.  
 San Diego, Order No. 1-F, Amendment No. 17, filed 3:50 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
*Secretary.*

[F. R. Doc. 44-1299; Filed, January 25, 1944;  
 11:19 a. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 24, 1944.

## REGION I

Montpellier, Order No. 9, filed, 12:40 p. m.  
 Montpellier, Order No. 10, filed, 12:40 p. m.

## REGION II

Harrisburg, Order No. 11, Amendment No. 1, filed, 12:40 p. m.

## REGION III

Cincinnati, Order No. 1-F, Amendment No. 7, filed, 12:48 p. m.  
 Cincinnati, Order No. 2-F, filed, 12:46 p. m.  
 Cincinnati, Order No. 2-F, Amendment No. 1, filed, 12:48 p. m.  
 Cincinnati, Order No. 2-F, Amendment No. 2, filed, 12:48 p. m.  
 Cincinnati, Order No. 2-F, Amendment No. 4, filed, 12:48 p. m.  
 Cincinnati, Order No. 2-F, Amendment No. 5, filed, 12:48 p. m.  
 Cincinnati, Order No. 8, filed, 12:49 p. m.  
 Cincinnati, Order No. 9, filed, 12:41 p. m.  
 Columbus, Order No. 8, Amendment No. 4, filed, 12:41 p. m.  
 Columbus, Order No. 9, Amendment No. 3, filed, 12:41 p. m.  
 Escanaba, Order No. 1-F, Amendment No. 13, filed, 12:49 p. m.  
 Escanaba, Order No. 2-F, Amendment No. 12, filed, 12:50 p. m.  
 Escanaba, Order No. 3-F, Amendment No. 12, filed, 12:50 p. m.

Escanaba, Order No. 4-F, Amendment No. 12, filed, 12:50 p. m.  
 Escanaba, Order No. 5-F, Amendment No. 12, filed, 12:50 p. m.

## REGION IV

Charlotte, Order No. 11, Amendment No. 1, filed, 12:30 p. m.  
 Montgomery, Order No. 3-F, Amendment No. 3, filed, 12:30 p. m.

## REGION V

Chicago, Order No. 5, Amendment No. 14, filed, 12:41 p. m.  
 Des Moines, Order No. 3A, Amendment No. 2, filed, 12:46 p. m.  
 Omaha, Order No. 3A, Amendment No. 3, filed, 12:46 p. m.  
 Omaha, Order No. 4A, Amendment No. 3, filed, 12:42 p. m.  
 Omaha, Order No. 5A, Amendment No. 3, filed, 12:42 p. m.  
 Omaha, Order No. 6A, Amendment No. 2, filed, 12:43 p. m.  
 Omaha, Order No. 7, Amendment No. 2, filed, 12:46 p. m.  
 Omaha, Order No. 8, Amendment No. 2, filed, 12:46 p. m.  
 Omaha, Order No. 9, Amendment No. 2, filed, 12:46 p. m.

## REGION VIII

San Diego, Order No. 6, Amendment No. 2, filed, 12:31 p. m.  
 San Diego, Order No. 6, Amendment No. 3, filed, 12:31 p. m.  
 Seattle, Order No. 20, Amendment No. 2, filed, 12:31 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
*Secretary.*

[F. R. Doc. 44-1363; Filed, January 26, 1944;  
 11:39 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-843]

ELECTRIC POWER & LIGHT CORP. AND  
 MISSISSIPPI POWER & LIGHT CO.

## NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January, A. D. 1944.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Mississippi Power & Light Company ("Mississippi").

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The aforesaid companies propose that: Electric will make a "gratuitous contribution" to the capital of Mississippi of the following securities of Mississippi: (a) A Demand Loan in the principal amount of \$190,000; (b) 1,493 shares of \$6 preferred stock; (c) 35,000 shares of

\$6 second preferred stock; (d) 500,000 shares of common stock. In connection with the contribution of said second preferred stock, accumulated dividend arrearages, in the amount of \$2,240,000, as of September 30, 1943, will be cancelled.

Mississippi will acquire the above securities and take the following steps:

(1) Cancel the securities surrendered to it as above and reduce its capital stock liability in the total amount of \$6,149,941, the equivalent of the amount of the claim on liquidating of said preferred shares plus \$2,500,641 attributable to common stock;

(2) Record the acceptance of the contribution of \$190,000 principal amount of demand loan and credit its capital surplus account with said amount plus the above \$6,149,941 reduction in capital stock liability;

(3) Charge to its capital surplus account a balance of \$6,339,941 presently classified in its plant account which it has been ordered to eliminate therefrom;

(4) State its capital stock liability on its remaining outstanding 65,775 shares of \$6 preferred stock at \$100 per share and its capital stock liability on its remaining outstanding 500,000 shares of common stock, at \$5 per share;

(5) Make certain other accounting adjustments stated to be in compliance with the orders of other regulatory bodies.

Mississippi in addition proposes to amend its certificate of incorporation, such amendments to provide in substance that:

(1) The present authorization for the issuance of second preferred stock (\$6) shall be eliminated and the authorized preferred stock of Mississippi shall consist of 100,000 shares of no par value \$6 preferred stock entitled in liquidation to \$100 per share;

(2) In the event that accumulated and unpaid preferred dividends at the date of any annual meeting shall aggregate four full quarterly dividends a majority of the Preferred Stockholders, voting as a class, shall be entitled to elect a majority of the Board of Directors;

(3) Any mortgage or pledge of fixed assets (other than to refund existing mortgage debt or to take action required to be taken under the existing mortgage) shall be first approved by a majority of each class of stockholders present and voting at a meeting called for such purpose;

(4) Any change in the provisions set out in paragraphs (2) and (3) above shall be approved by two-thirds of the Preferred Stockholders voting as a class;

(5) The provision permitting transfer of all outstanding stock to a new corporation in return for the capital stock of such new corporation upon a vote of stockholders required to dissolve the corporation shall be eliminated.

The applicants-declarants have designated sections 6 (a), 9 (a) (1), 10, 12 (c), 12 (d), 12 (e), 12 (f), and Rules U-42, U-45 and U-62, as being applicable to the proposed transactions.

It appearing to the Commission that it is proper and in the public interest and in the interest of investors and consumers that a hearing be held with respect

to said application-declaration, and that said application should not be granted, or said declaration should not become effective, except pursuant to further order of the Commission:

*It is hereby ordered,* That a hearing be held upon said matters on January 31, 1944 at 10:00 a. m., e. v. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why the application-declaration should be granted and should be permitted to become effective.

*It is further ordered,* That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935; and all rules and regulations promulgated thereunder and particularly whether the proposed capital contribution by Electric and the proposed reduction of capital stock liability by Mississippi will result in an unfair and inequitable distribution of voting power or is otherwise detrimental to the public interest or the interests of investors or consumers.

(2) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder and particularly whether a restriction on the payment of dividends on the common stock of the company is necessary or appropriate.

Notice of such hearing is hereby given to such applicants and declarants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers. Any interested person desiring to be heard or to be admitted as a party to such proceeding shall file with the Secretary of this Commission, on or before January 29, 1944, his request, or an application therefor, as provided in Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1342; Filed, January 26, 1944;  
10:06 a. m.]

[File No. 70-849]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of January 1944.

In the matter of Consolidated Electric and Gas Company, The Asheville Gas Company, The Durham Gas Company, Martinsburg Gas Company, Suffolk Gas Company, The Raleigh Gas Company, and Jersey Shore Gas Company.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and the following subsidiary companies of said holding company, the Asheville Gas Company, The Durham Gas Company, Martinsburg Gas Company, Suffolk Gas Company, The Raleigh Gas Company and Jersey Shore Gas Company.

Notice is further given that any interested persons may, not later than February 10, 1944, at 5:30 p. m., e. v. t., request the Commission that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications (or both), as filed or as amended, may become effective or be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said documents, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Each of the six subsidiary companies of Consolidated hereinabove listed has recently sold all of its property and assets (other than cash). In view of such sales, it is stated that such subsidiary companies no longer serve any useful purpose and should be liquidated and dissolved. Accordingly, it is proposed that Consolidated, the owner of all the outstanding securities of each of such subsidiaries, donate to each such subsidiary, as a capital contribution, the debt securities of such subsidiary for cancellation and also surrender to such subsidiary all the outstanding capital stock of such subsidiary for retirement and cancellation. In return for the surrender of its stock, each subsidiary will deliver to Consolidated, as a liquidating dividend or dividends, all of its assets, the same consisting solely of cash.

Consolidated will deposit the cash so to be received by it with the trustees under the indentures securing debt securities of

Consolidated under which indentures the securities of such subsidiaries have been heretofore pledged, as required by the terms of such indentures, except in the case of The Raleigh Gas Company and Jersey Shore Gas Company. Having heretofore deposited cash with the appropriate trustee and secured the release of the pledged securities of the two last named subsidiaries in order that sales of their assets might be made free of liens, Consolidated will, in effect, reimburse its own treasury for the amounts so deposited.

It is stated that the amounts received by the six subsidiaries as the total consideration for the sales of their properties and assets were as follows:

The Asheville Gas Company.....	\$85,279.20
The Durham Gas Company.....	99,863.87
Martinsburg Gas Company.....	57,000.00
Suffolk Gas Company.....	102,535.00
The Raleigh Gas Company.....	221,169.65
Jersey Shore Gas Company.....	22,100.00

Each of the six subsidiaries will be dissolved in accordance with the applicable state law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1343; Filed, January 26, 1944;  
10:06 a. m.]

[File Nos. 54-39, 54-69, 59-65]

LACLEDE GAS LIGHT COMPANY, ET AL.

#### NOTICE AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of January 1944.

In the matters of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, Ogden Corporation, File No. 54-39; Ogden Corporation and subsidiary companies, File No. 54-69; Ogden Corporation and subsidiary companies, respondents, File No. 59-65.

The Laclede Gas Light Company ("Laclede Gas"), Laclede Power & Light Company ("Laclede Electric"), and Phoenix Light, Heat and Power Company, subsidiaries of Ogden Corporation ("Ogden"), a registered holding company, and Ogden have heretofore filed an application, and amendments thereto, pursuant to section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, for the approval of a plan, as amended, the purpose of which is to effectuate the reorganization of Laclede Gas, to dispose of the electric utility assets operated by Laclede Electric to Union Electric Company of Missouri ("Union Electric"), and to enable the Ogden holding company system to comply, in part, with the provisions of section 11 (b) of the act.

All interested persons are referred to said plan, as amended, which is on file at the office of this Commission, for a

statement of the transactions therein proposed, which may be briefly summarized as follows:

1. Sale of the electric properties operated by Laclede Electric, including properties leased from Laclede Gas, to Union Electric, at a base purchase price of \$8,600,000, and allocation of \$2,200,000 of such purchase price to Laclede Gas as its share of such proceeds of sale;

2. Transfer to Laclede Gas by Laclede Electric of its remaining assets (except cash) estimated, as of March 31, 1943, at approximately \$29,000, and the dissolution of Laclede Electric, after the discharge of its liabilities;

3. Issuance of eleven shares of new common stock of Laclede Gas, \$4 par value per share, in exchange for each share of present 5% Cumulative Preferred Stock \$100 par value, of Laclede Gas, and the issuance of one share of new common stock of Laclede Gas, \$4 par value, in exchange for each share of present common stock of Laclede Gas, \$100 par value;

4. Issuance to Ogden (in addition to 149,261 shares to be received by it in exchange for its present holdings of Laclede Gas preferred and common stocks, in the ratio provided for in No. 3 above) of 2,000,000 shares of new common stock of Laclede Gas, \$4 par value, in return for:

(a) Cancellation of \$2,000,000 principal amount Collateral Trust 6% Notes of Laclede Gas owned by Ogden, after payment of accrued interest thereon to the effective date of the plan;

(b) Payment to Laclede Gas by Ogden of \$905,000 cash;

(c) Payment to Laclede Gas of Laclede Electric's share of the cash proceeds from the sale of the electric properties, less such portion of such proceeds necessary to discharge in full all liabilities of Laclede Electric not assumed by Union Electric. Such payment to Laclede Gas is estimated to be, as of March 31, 1943, approximately \$6,075,000;

(d) Assets transferred to Laclede Gas by Laclede Electric as provided in paragraph No. 2 above;

(5) Payment by Ogden to the minority holders of the stock of Laclede Electric, upon surrender for cancellation of such stock, of a cash amount equal to their pro rata share in the net assets of Laclede Electric after the consummation of the sale, and after payment to Laclede Gas of its share of the proceeds of such sale (\$2,200,000);

(6) Sale by Laclede Gas of \$19,000,000 principal amount of new first mortgage bonds and \$3,000,000 principal amount of serial debentures, and the use of the proceeds, together with other available cash, as hereinafter in paragraph 7 set forth;

(7) Payment and discharge, at the principal amount thereof, together with accrued interest thereon to the effective date of the Plan, of Laclede Gas's Refunding and Extension Mortgage 5% Bonds, outstanding in the hands of the public, and its outstanding First Mortgage Collateral and Refunding 5½%

Bonds, Series C and D, aggregating \$32,529,000 principal amount, as of March 31, 1943;

(8) Sale by Ogden of all of the new common stock, which it will acquire by virtue of Laclede Gas's reorganization, to the public;

This Commission having heretofore ordered (Holding Company Act Release No. 4253) that the plan filed by Laclede Gas, Laclede Electric, Phoenix Light, Heat and Power Company, and Ogden (File No. 54-39) and proceedings in respect of the plan filed by Ogden and subsidiary companies pursuant to section 11 (e) of the act (File No. 54-69) and the proceedings instituted by the Commission directed to Ogden and subsidiary companies, respondents, pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the act (File No. 59-65) be consolidated;

Public hearings having been held with respect to such consolidated proceedings and having been continued subject to the call of the Trial Examiner; and

It appearing to the Commission that such hearing should be reconvened for the purpose of adducing further evidence and affording further opportunity to all interested persons to be heard;

It is ordered, That the hearing in this matter be reconvened for the purpose of adducing further evidence for the determination of whether the plan of Laclede Gas, Laclede Electric, Phoenix Light, Heat and Power Company, and Ogden, as heretofore amended or as may be hereafter amended by the applicants at the said reconvened hearing herein or at any adjournment thereof, or as hereafter modified by order of the Commission, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and otherwise complies with the requirements of the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, and for the purpose of affording further opportunity to all interested persons to be heard.

It is further ordered, That such hearing be reconvened on February 15, 1944, at 10:00 a. m., e. v. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

Notice is hereby given of said hearing to the above-named applicants and respondents, and to all interested persons; said notice to be given to said applicants and respondents by registered mail, and to all other persons by publication of this Notice and Order Reconvening Hearing in the FEDERAL REGISTER. It is

requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission, on or before February 10, 1944, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That Laclede Gas shall give additional notice of said reconvened hearing to all known holders of its outstanding Refunding and Extension Mortgage 5% Bonds and its First Mortgage Collateral and Refunding 5½% Bonds, Series C and D, to Bankers Trust Company, Mississippi Valley Trust Company, and St. Louis Union Trust Company, Trustees, and to all holders of record of its outstanding 5% Cumulative Preferred Stock and Common Stock, and that Laclede Electric shall likewise give additional notice of said hearing to all holders of record of its outstanding Common Stock, by causing, in each case, a copy of this Notice and Order Reconvening Hearing to be mailed to such holders at their respective last-known addresses, such mailing to be made not less than twelve days prior to the date of said hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1353; Filed, January 26, 1944;  
10:49 a. m.]

[File No. 70-21]

# INTERNATIONAL UTILITIES CORPORATION SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January 1944.

The Commission having heretofore on April 23, 1943, issued its order herein granting the application of International Utilities Corporation pursuant to section 10 of the Public Utility Holding Company Act of 1935 regarding the purchase of Collateral Trust Bonds, 6½% Series, due July 1, 1945, of its subsidiary company, Dominion Gas and Electric Company, in the principal amount of \$1,942,500 on the condition, among others, of consummating such acquisition by December 31, 1943; and

International Utilities Corporation, having filed an amendment to its application herein, which amendment states that, as of December 31, 1943, International Utilities Corporation had purchased only \$1,803,500 principal amount of such bonds and requests that the said order dated April 23, 1943 be amended to extend the time to June 30, 1944, within which to purchase the remaining \$139,000 principal amount of such bonds; and

It appearing to the Commission that the granting of the extension of time to June 30, 1944, is appropriate and will not be detrimental to the interests of investors, consumers, or the public;

It is ordered, That said order, dated April 23, 1943, be amended to provide for the extension of time from December 31,

1943, to June 30, 1944, within which to acquire said bonds.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1351; Filed, January 26, 1944;  
10:48 a. m.]

[File Nos. 70-282, 70-724]

COMMUNITY POWER AND LIGHT CO., ET AL.

#### ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of January, A. D. 1944.

In the matters of Community Power and Light Company, et al., file No. 70-282; Southwestern Public Service Company, Royal Palm Ice Company, file No. 70-724.

The Commission having by its order entered herein (File No. 70-282) under date of July 8, 1942, approved a plan filed by Community Power and Light Company, a registered holding company, and companies subsidiary thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for compliance with the provisions of section 11 (b) of said act, but having conditioned said approval upon, and having affirmatively directed, the divestment by Southwestern Public Service Company (the system holding company to survive a merger embraced within said plan) of all ownership and control of Royal Palm Ice Company, a non-utility system subsidiary engaged in the ice business in Florida, among other subsidiaries and physical assets found not to be retainable within the system under the standards of said section 11 (b):

Southwestern Public Service Company and Royal Palm Ice Company having heretofore effected a sale of the physical assets of said ice company subject to a purchase money mortgage in the present principal amount of \$334,000 still held by Southwestern Public Service Company, such sale having been effected pursuant to authorization contained in an order of the Commission dated October 6, 1943 (File No. 70-724);

Southwestern Public Service Company now proposing to sell said mortgage debt to non-affiliated purchasers for a sales price of 92½% of the principal amount thereof, plus accrued interest to the date of sale and, preliminary to such sale, to surrender the single note and mortgage presently evidencing and securing said debt and to accept in lieu thereof 380 bonds, each in the principal amount of \$1,000 to be issued by the present owner of the mortgaged property and to be secured by a mortgage indenture running to a trustee, and said Southwestern Public Service Company having requested that such jurisdiction as may have been reserved to the Commission by reason of the terms or entry of its said order of July 8, 1942, over the terms and mode of disposition of said mortgage lien and indebtedness and the instruments evidencing the same, be released to the extent necessary to permit said proposed sale to be effected, and the

Commission having fully considered said request, upon the basis of the record herein, and finding the same proper to be granted;

It is hereby ordered, That jurisdiction in respect of the mode or terms of disposition of the mortgage lien held by Southwestern Public Service Company upon the physical properties formerly owned by Royal Palm Ice Company and any securities or other instruments evidencing the indebtedness secured thereby, be, and the same hereby is, released to the extent necessary to permit the disposition by Southwestern Public Service Company, in the manner and upon the terms hereinabove recited, of said mortgage lien, the indebtedness secured thereby, and any securities or other instruments evidencing the same.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1352; Filed, January 26, 1944;  
10:48 a. m.]

[File Nos. 70-717, 70-704]

THE UNITED LIGHT AND RAILWAYS CO.,  
ET AL.

#### ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 24th day of January, A. D. 1944.

In the matter of The United Light and Railways Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, Iowa Power and Light Company, Des Moines Electric Light Company, File No. 70-717; Illinois Iowa Power Company, File No. 70-704.

The Commission, by its order entered in these proceedings on August 16, 1943 (Holding Company Act Release No. 4497), having approved various transactions including, among others, the payment of a partial liquidating dividend, consisting of cash and securities in the aggregate amount of \$6,865,000, by Iowa-Nebraska Light and Power Company to Continental Gas & Electric Corporation, the Commission having reserved jurisdiction over the accounting entries to record such partial liquidation, and the Commission having also reserved jurisdiction with respect to the allocation of fees and expenses of independent engineers and accountants, in the approximate amounts of \$30,000 and \$3,000, respectively, and with respect to the reasonableness and allocation of all other fees and expenses except those which were referred to specifically and passed upon in the Commission's findings and opinion; and

The Commission having by order dated January 3, 1944, released jurisdiction with respect to the reasonableness and the allocation of fees and expenses paid or incurred by Illinois Power Company (formerly Illinois Iowa Power Company); and

A supplemental application having been filed setting forth the proposed accounting entries to reflect the partial liquidation of Iowa-Nebraska Light and Power Company, and stating (1) that

the actual fees and expenses of the independent engineers and accountants, in the amounts of \$29,435.24 and \$2,435, respectively, are to be charged to Continental Gas & Electric Corporation, (2) that an additional item of expense, in the amount of \$5,000, has been charged to Iowa Power and Light Company to reflect the cost of qualifying its bonds for sale under the laws of various states and (3) that the balance of the fees and expenses, incurred by the applicants other than Illinois Power Company, in the amount of \$26,166.51 and consisting of legal fees and expenses, are to be charged to Continental Gas & Electric Corporation; and

The Commission having examined the proposed accounting entries and finding that such entries properly record the partial liquidation of Iowa-Nebraska Light and Power Company and that jurisdiction reserved with respect thereto should be released; and

The Commission finding that said fees and expenses incurred by Iowa Power and Light Company and by Continental Gas & Electric Corporation are not unreasonable in amount and are proper charges to such applicants,

It is therefore ordered, That the jurisdiction reserved in the order entered herein on August 16, 1943, with respect to the accounting entries recording the partial liquidation of Iowa-Nebraska Light and Power Company and with respect to the reasonableness and the allocation of fees and expense paid or incurred by the various applicants be and the same is hereby released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1348; Filed, January 26, 1944;  
10:49 a. m.]

[File No. 70-823]

CHICAGO SOUTH SHORE AND SOUTH BEND  
RAILROAD, ET AL.

#### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January 1944.

In the matter of Chicago South Shore and South Bend Railroad, an Indiana corporation, Michigan City Terminal, Incorporated, Chicago South Shore and South Bend Railroad, a Michigan corporation, file No. 70-823.

Chicago South Shore and South Bend Railroad, an Indiana corporation ("South Shore of Indiana") and a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Successor Trustees of the Estate of Midland Utilities Company, a registered holding company, Chicago South Shore and South Bend Railroad, a Michigan corporation ("South Shore of Michigan") and a wholly-owned subsidiary of South Shore of Indiana, and Michigan City Terminal, Incorporated ("Terminal Company"), all of the common stock of which is owned by South Shore of Indiana and South Shore of Michigan, having filed a joint

application-declaration, as amended, pursuant to section 9 (a), 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-45, regarding the following proposals:

South Shore of Indiana will purchase from Terminal Company for a cash consideration of \$130,828 all the real estate, and the buildings and improvements erected thereon, owned by Terminal Company. The cash consideration received will be paid over to Citizens Bank of Michigan City, Indiana, trustee under the mortgage securing 3% Income Bonds of Terminal Company due June 1, 1952. The Mortgage Trustee will thereupon purchase or retire the outstanding Income Bonds in the total principal amount of \$116,500 at not more than the principal amounts thereof. The Mortgage Trustee will then pay all expenses for such retirement, release the mortgage, and pay any balance remaining to the Terminal Company. The Terminal Company will thereupon satisfy its current debts, proportionately pay over any remaining assets to South Shore of Indiana and South Shore of Michigan as owners of all the outstanding shares of the common stock of Terminal Company, and then dissolve.

Such joint application-declaration, as amended, having been filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said joint declaration, as amended, to become effective, and to grant the said application, as amended, and finding that the requirements of sections 9 (a), 10, 12 (c), 12 (f), and Rules U-42, U-43, and U-45 are satisfied;

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith. By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 44-1349; Filed, January 26, 1944;  
10:48 a. m.]

[File No. 70-854]

#### THE NIAGARA FALLS POWER CO.

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of January 1944.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Niagara Falls Power Company, a subsidiary of Buffalo, Niagara and Eastern Power Corporation. The latter is a subsidiary of Niagara Hudson Power Corporation, which, in turn, is a subsidiary of The United Corporation, a registered holding company.

All interested persons are referred to said application or declaration, which is on file in the offices of the Securities and Exchange Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

The Niagara Falls Power Company operates certain properties under a license pursuant to the Federal Water Power Act. The Company is subject to orders of the Federal Power Commission dated June 9, 1942 and December 28, 1943, requiring the elimination of \$14,500,573.56 from its project plant accounts, but permitting the Company to charge \$14,497,768.11 of that amount to a capital surplus rather than earned surplus if such a capital surplus is duly created and the charge thereto is made prior to March 1, 1944. For the purpose of creating capital surplus in the latter amount the Company now proposes to reduce the stated value of its outstanding common stock, without par value, all of which is held by its immediate parent, Buffalo, Niagara and Eastern Power Corporation, from \$35,575,565, as presently stated, to \$21,077,796.89.

In its application or declaration the Company states that it does not believe that any provision of the Public Utility Holding Company Act of 1935 or rules thereunder is applicable to the proposed transactions and requests, in the alternative, that the application or declaration be dismissed by the Commission for want of jurisdiction or approved pursuant to any applicable provisions of the act or rules thereunder.

It appearing to the Commission that it is appropriate, in the public interest and the interests of investors and consumers, that a hearing be held with respect to said matter, and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

*It is ordered*, That a hearing on such matter be held on February 10, 1944, at 10:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing-room clerk in Room 318 will advise as to the room in which said hearing will be held. All persons wishing to be heard or otherwise to participate in the proceedings shall notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before January 29, 1944.

*It is further ordered*, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated

to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered*, That, without limiting the scope of the issues presented by said application or declaration, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are in the public interest and the interests of investors and consumers, and not in contravention of the applicable provisions of the act and the rules and regulations promulgated thereunder.

2. The nature and scope of the order which should be entered, with respect to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 44-1346; Filed, January 26, 1944;  
10:48 a. m.]

[File No. 812-345]

#### THE CLIFFS CORPORATION

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of January, A. D. 1944.

The Cliffs Corporation, a registered management closed and non-diversified investment company, has filed an application for an order under and pursuant to the provisions of section 6 (c) of the Investment Company Act for an extension of time to March 31, 1944 in which to mail its annual report to stockholders as required by section 30 (d) of the said act.

*It is ordered*, That a hearing on the aforesaid application be held on the 31st day of January, 1944 at 10:00 o'clock, eastern war time, in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

*It is further ordered*, That Charles S. Lobingier or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at such hearing is authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to such other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 44-1347; Filed, January 26, 1944;  
10:48 a. m.]



[File No. 70-841]

## THE UNITED GAS IMPROVEMENT CO.

## ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 25th day of January 1944.

The United Gas Improvement Company, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, having filed an application and declaration and amendments thereto pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-50, U-62 and U-23 promulgated thereunder with respect to the following transactions:

The United Gas Improvement Company proposes to change its 35,000,000 authorized shares of capital stock without par value into 3,500,000 shares of \$13.50 par value each, and similarly convert its 23,252,000 outstanding shares of capital stock without par value into 2,325,200 shares with a par value of \$13.50 each, one share of the new stock to be exchanged for each ten shares of the present stock. In lieu of fractional shares of the new stock, it is proposed to issue non-voting scrip in bearer form, which, during a period of one year commencing on or about September 7, 1944, will be exchangeable, in combination with other similar scrip, for the number of full shares represented thereby. After the one-year period, it is proposed to pay and discharge any unexchanged scrip by payment therefor in cash on the basis of the average closing price of the stock for the period from September 10 to September 14, 1945, inclusive. At the time of the payment of scrip in cash or upon the exchange thereof for full shares, the company further will pay an amount in cash equal to the fractional interest in dividends and/or distribution of capital assets then payable or distributable.

The stated purposes of the proposed transactions are to reduce the number of shares of capital stock so that they will be more proportionate to the substantially reduced assets of the company; to make the new shares more acceptable as collateral security than the present shares selling under \$5 per share; and to reduce brokerage commissions on purchases or sales and transfer taxes on sales of the stock. The proposed transactions will be submitted to a stockholders' vote at the next annual meeting of stockholders, scheduled for May 1, 1944.

The difference of \$549,239 between the stated capital applicable to the capital stock of the company immediately prior

to the proposed conversion (\$31,939,439) and the stated capital represented by the shares of the proposed new capital stock (\$31,390,200) will be credited to the capital surplus account, and the 2,424 shares of present capital stock now held in the treasury will be canceled and retired by charging capital surplus with \$3,329; and

Said application and declaration having been filed on December 29, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, and the Commission not having received a request for hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having had a hearing thereon, the company having requested acceleration of the effective date; and

The Commission finding that the requirements of section 6, 7 and 12 (c) of the act and Rules U-42, U-50 and U-62 thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers to grant said application, as amended, and to permit said declaration, as amended, to become effective, and that the effective date should be accelerated;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be, and the same hereby is, granted forthwith and that the aforesaid declaration, as amended, be and the same hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-1350; Filed, January 26, 1944;  
10:48 a. m.]

## UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

[Administrative Order G]

## BENEFITS IN UNITED KINGDOM

## AUTHORIZATION OF LOCAL PAYMENTS

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees' Compensation Act of September 7, 1916, as amended, Foreign Claims Commission No. 16, is authorized to process claims, to make initial payments of compensation, and to furnish other benefits initially, as provided by such act of September 7, 1916, as amended, and pursuant to the regulations of the Commission promulgated thereunder (20 CFR, Chapt. I, Subchapter A) and such sup-

plementary instructions as may from time to time be issued by the Commission in cases of civilian employees of the United States who are injured, while in the performance of their duties for the United States in employment in the United Kingdom.

As used herein the phrase "to process claims" means (1) to receive, assemble, and file reports of injury, medical reports, reports of investigation, and other papers relating to cases of injury; (2) to make investigations and to secure necessary supplementary information in connection with cases or claims; (3) to obtain medical examinations; (4) to arrange for medical, surgical, and hospital services and supplies in the treatment and care of employees in disability cases; (5) to examine and adjudicate claims for compensation in injury cases, including making of findings of fact and award; (6) to prepare vouchers for local disbursement of benefits and local payment of medical and other expenses; (7) to review cases for readjustment of compensation.

As used herein the phrases "to make initial payments of compensation" and "to furnish other benefits initially" mean the payment of compensation in cases of injury, and the furnishing of any other benefits provided for by such act, except compensation for death, for a period not to exceed 180 days.

The action of the Foreign Claims Commission in any case, and the payments made under this authority, are subject to final review by the Commission and readjustment if found necessary. Order approved by the Commission January 6, 1944.

WILLIAM McCaULEY,  
Secretary.

[F. R. Doc. 44-1317; Filed, January 25, 1944;  
2:33 p. m.]

## WAR FOOD ADMINISTRATION.

DEPUTY DIRECTORS OF FOOD DISTRIBUTION  
DELEGATION OF AUTHORITY

There is hereby delegated to the following Deputy Directors of Food Distribution, in the order designated below, authority to act, as Acting Director of Food Distribution, for and on behalf of the Director of Food Distribution in his absence: the Deputy Director for Food Industry and Regulatory Activities, the Deputy Director for Procurement Activities and Management Services, and the Deputy Director for Civilian Activities.

Issued this 25th day of January 1944.

LEE MARSHALL,  
Director of Food Distribution.

[F. R. Doc. 44-1355; Filed, January 26, 1944;  
11:18 a. m.]

